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HISTORY

OF THE

REPUBLIC

OF THE

UNITED STATES OF AMERICA,

AS TRACED IN THE WRITINGS OF

ALEXANDER HAMILTON

AND

OF HIS COTEMPORARIES.

B. 2734.

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BY

JOHN C. HAMILTON.

TTa 9

VOLUME II.

"Neque enim est ulla res, in qua propius ad Deorum numen virtus accedat humana, quam civitates aut condere novas aut conservare jam conditas."—*Cic. de Repub.*

SECOND EDITION

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PREFACE

The first volume of this work has been criticised with some severity, as making claims for Hamilton which are derogatory to the character of Washington. My course has been stigmatized as sacrilegious and vindictive—sacrilegious towards Washington, vindictive towards others. When it can be shown that the exhibition of the truth as to others is irrelevant to the history of this country, or not demanded by justice, good government, and the interests of the American people, then the latter charge may be deemed to have some color.

Sacrilege, detraction, defamation, are the terms that have been used to criminate my claim of authorship to Hamilton, of letters subscribed by Washington, in the course of his military command. I confine this notice to so much as regards Washington.

As there may be more of this sort of sacrilege in the present volume—and, it may be, in the succeeding volumes—I think it not amiss to say, that as it was not within the physical power of Washington, time and his public employments alone considered, to compose or dictate the innumerable letters signed by him, it conforms with what is natural and common in such cases, to suppose that other persons must have been frequently deputed to relieve him from a portion of the labor of his correspondence. There is no sacrilege in the supposition. And since existing records show irrefragably, that a vast number of letters in the hand-writing of Hamilton, and with the signature of Washington,

bear those characters of style which identify authorship, as much as the features and expression of the face, and the play and movement of the body identify the individual man, and that in this manner these letters identify the authorship of Hamilton beyond reasonable doubt, there can be no sacrilege, nor the least shade of defamation or disrespect in ascribing them to Hamilton as their real author in point of composition. The letters so ascribed may have just so much merit, in this respect, as the reader may think fit to allow them; but the authorship has in this way become incontestable; and this fact, in a biography of Hamilton, connecting him with the progress of the Revolution, and the foundation of this Republic, I have deemed it a duty, both personal and historical, to state, whenever I have referred to them.

If Washington had written a life of Hamilton, he would probably have done the same thing. Surely, when Washington himself has thought it proper to state with some formality to the President of the Congress of the Confederation, that his letters from Head Quarters were "*first drawn* by his secretary and by his aides-de-camp," it cannot in the least degree reflect upon him to indicate, by internal and other evidence, the particular secretary and aide by whom some of them were *drawn*. The rebuke which I have received on this account, does in effect involve a reflection upon Washington, and a very disrespectful one, too—for it implies that somewhere, or somehow, Washington has claimed as his own the composition of these letters—a thing quite impossible to his nature, and openly repugnant to his statement before referred to. He disclaimed this class of letters generally as being of his authorship or composition, and I have but supported the disclaimer by attributing a part of them, upon undeniable evidence, to Hamilton.

As to detraction from the merits of Washington, I will not condescend to disprove a charge so groundless as this. I hope that the hearts of those who have suggested it against me, are as free as my own from any purpose of detraction, and as free as my pages are from any evidence of it, express or implied, in regard to this eminent man. Express detraction, in word or syllable, is

not alleged against me, and cannot be. If it is implied on my part, from the simple ascription to another of the authorship of certain letters which are over the signature of Washington, how much more is it to be implied on the part of these accusers, by the assumption necessarily involved in the charge against me, that his great name depends in any degree upon the mere authorship of any thing that he ever put his name to. *This* is detraction from Washington—to assert that any portion of his glory is derived from the style or composition of his public letters or papers. It would be a real detraction from his exalted merits, to say or to think, that by assigning to others the composition of every paper that he wrote, the great volume of his glory would be diminished or impaired in any measurable degree. His glory is not derived, in whole or in part, from such a source. It is the result of his unimpeachable virtue—his grave wisdom—his ever watchful circumspection—his inflexible constancy in maintaining the right, the true, the honorable, in all things—his justice—his fortitude—his imperturbable courage—his dauntless bravery in battle—his military providence and energy—his unsparing self-sacrifice—his devotion of heart and soul, of life, fame, sacred honor—of his entire self, of all he had and of all he was, to the cause of freedom and of his country. And in connection with the present subject, I may appropriately add to this cluster of noble qualities, his modesty, which never claimed any thing as his own that was not such by universal consent; and his elevation of soul, which made him superior to the rivalry and envy of competitors, regardless of their jealousy, and indifferent to their intrigues.

His glory flows, and will forever flow, from these sources. His letters add only this contribution to his fame, that they manifest, by their intent and purpose, the operation of one or more of his great attributes, or the aspirations of his settled and established dispositions. Their composition was necessarily not always his own, which often and generally happens with commanders on a large field of operations, and with those who are engrossed with the highest concerns of civil administration; and when it was

his own, its merit was rather in the enunciation of just thoughts and wise purposes, than in the skill or force with which he exhibited and impressed them.

Others before this day have expressed their opinions in regard to the public letters of Washington. He acquired, by much practice in epistolary writing, a style that was as much his own as his handwriting, and as distinguishable at first sight by those who had any familiarity with it, though it may be recognized more readily than it can be described. It was not constructed by rules of art, nor had it as much ease as it had dignity; but it was the style of a gentleman, and was commonly very perspicuous. It has, however, become an historical fact, that in a large number of his important public letters and papers, an entirely different style is shown, and yet as unaffected as his own style, but generally more lettered or scholarlike. In respect to these, the design may be properly attributed to himself, and perhaps all of them may be regarded as having been revised, and sometimes altered, by him, to satisfy his own judgment; but much of the filling in, the drapery, the coloring, the light and shade, and the accessory parts, brought in to heighten and relieve the principal and more important, may be safely attributed to others who were in his personal confidence, and were deputed, officially or otherwise, to the performance of the duty. Such a supposition is in no degree disrespectful to him, and is in perfect harmony with his whole character. He was as free from vanity and self-conceit, from his youth upwards, as any man that ever lived; and sought assistance when he wanted it, without the least alarm to his self-love.

I must refer to one distinguished person, as a witness in this matter, the late Timothy Pickering, because he has left behind him a record of his opinions, founded on personal knowledge and intimacy, during the Revolutionary War and afterwards.

Colonel Pickering, appointed by Washington, in May, seventy-seven, Adjutant General, after being intermediately selected a Commissioner to superintend the staff of the army, was chosen a member of the Board of War, in which place he continued until eighty, when he was elected, by the unanimous vote of Congress,

Quarter Master General. This arduous office he filled until after the peace.

In ninety, he was appointed by Washington sole Commissioner to treat with the Northern Indians; and in ninety-one, Post Master General. After serving as a Commissioner to treat with the Western Indians, he was again selected as Post Master General, and from that office was advanced to the place of Secretary of War. From this station he was preferred by Washington to be Secretary of State, and remained until the year eighteen hundred at the head of that department.

This faithful, much honored public servant, alluding to the observations of an intelligent foreigner, remarks:

"In forming his judgment of Washington's writings, he had not the necessary data. He has assumed, which is unfounded in fact, that the *public* papers bearing Washington's signature (and of his private writings he could have seen very few) are of his own composition. I undertake to affirm, that scarcely any, or a very small number of them, were draughted by him; and in the most important, the hand of Hamilton, I think, may be discerned—while Hamilton was within his reach. I formed this opinion as long ago as the campaign of seventeen hundred and seventy-seven, when I witnessed the incessant labors of Hamilton, and of the military Secretary—Harrison—in writing the General's public letters, in which I have reason to believe, I might say to *know*, that the *conceptions*, as well as the *expressions*, were for the most part their own. If the original draughts had been Washington's, his handwriting (remarkably distinct from all other handwriting that I ever saw) would have appeared in the letters or in the reserved rough draughts. I refer here to all his official letters, during the whole time of his command in the Revolutionary War." *

The result of an extended examination is then given in confirmation. Further light is thrown upon this subject by the statements of Generals Chastellux, Schuyler, Greene, and La Fayette, in the present volume.

* Timothy Pickering to William Coleman. Salem, Aug. 8, 1826.

NOTES TO VOL. II.

WASHINGTON, REED, AND LEE.

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The letters of Washington to his former secretary, Joseph Reed, are expressive of a continuing regard and confidence, which, unexplained, subject the former to the charge of a want of frankness. An easy solution will be found in a statement of facts. In the "Life of Reed," i. 107, it is stated:

"Though nominally the aid of the Commander-in-chief, Mr. Reed was really, as has been intimated, in relations to him of a still more responsible and confidential nature. It is but fair to his reputation, and in no disparagement to others, that these relations be understood. It will be seen, when the correspondence is resumed, how earnestly General Washington deplored even a temporary separation, and what value he set upon his services. 'My mind,' says he, in one letter, 'is now fully disclosed to you, with this assurance sincerely and affectionately accompanying it, that whilst you are disposed to continue with me, I shall think myself too fortunate and happy to wish for a change.' 'I could wish, my good friend, that these things may give a spur to your inclination to return. I feel the want of your ready pen greatly.'" "Some months after, he thus speaks of the possibility of Mr. Harrison's being compelled to leave him: 'If he should go, I shall really be distressed beyond measure, as I know of no persons able to supply your places, in this part of the world, with whom I would choose to live in unbounded confidence.'"

Next, quoting an observation of Mr. Sparks, on the question, "How far Washington may be considered the actual author of the immense number of letters, to which, in his official and private capacity, he affixed his name," that "this is a question rather of curiosity than of any essential interest or consequence," he observes: "And if it could be shown—which it certainly cannot be—that the mass of his correspondence was conducted by others in his name,

it would detract nothing from his fame." "As a mere question of historical curiosity, of interest to those whose elevation is far less, and of distinction which the biographer of another has no right to disclaim, it may be examined, and it is one of the proudest honors of the subject of this memoir, that he was selected by Washington as one whom he could trust with the representation of his opinions at a critical period of his career, for the public and posterity, and who proved himself competent to the duty." "During the time Mr. Reed was at head-quarters, a number of very interesting official papers were issued by the Commander-in-chief most, if not probably all of which, were from the pen of his secretary."

A statement of several instances in which these drafts were from the pen of Reed is given, and letters are published from Washington's pen of curious interest, showing the embarrassments under which he was laboring.

Reed having rejoined the army, these confidential relations were continued, as has been seen, to the moment of the retreat through New Jersey, when the reply of Lee to Reed's letter of the twenty-first of November, '76, came to Washington's knowledge.

The letter of Reed was written at Hackensack, where it is related, "the army did not exceed three thousand men, and they were dispirited by ill-success," and whence "a second move was necessary again to avoid the danger of being enclosed between two rivers," and was from a person "on whom" Washington "relied as on a second self." *

It is in these terms: "Dear General, the letter you will receive with this contains my sentiments with respect to your present situation. But, besides this, I have some additional reasons for most earnestly wishing to have you where the principal scene of action is laid. I do not mean to flatter nor praise you at the expense of any other, but I confess, I do think that it is entirely owing to you, that this army and the liberties of America, so far as they are dependent on it, are not totally cut off. You have decision—a quality often wanting in minds otherwise valuable—and I ascribe to this our escape from York Island, from Kingsbridge, and the Plains; and I have no doubt, had you been here, *the garrison of Mount Washington would now have composed a part of this army;* and from all these circumstances, I confess, I ardently wish to see you removed from a place where I think there will be little call for your judgment and experience, to the place where they are likely to be so necessary. Nor am I singular in my opinion; every gentleman of the family, the officers and soldiers generally, have a confidence in you; the enemy constantly inquire where you are, and seem to be less confident when you are present."

Then adverting to the loss of Fort Washington, he remarks: "General

* Irving's Washington.

Washington's own judgment, seconded by representations from us, would, I believe, have saved the men and their arms; but, unluckily, General Greene's judgment was contrary. This kept the General's mind in a state of suspense till the stroke was struck. Oh, General! An indecisive mind is one of the greatest misfortunes that can befall an army. How often have I lamented it this campaign!"

This letter closes thus: "I intended to have said more, but the express is waiting, and I must conclude with my clear and explicit opinion, that your presence is of the last importance. I am, with much affection and regard."

The reply of Lee, catching at the language of Reed, begins: "I have received your most obliging, flattering letter, lament with you that fatal indecision of mind which in war is a much greater disqualification than stupidity, or mere want of personal courage; accident may put a decisive blunder in the right, but eternal defeat and miscarriage must attend the man of the best parts, if cursed with indecision."

It bears date the twenty-fourth of November.

Such a letter as Reed's—from one of Washington's staff—written under such circumstances, and which, in effect, encouraged Lee to insubordination, thus perilling the American army, was of a nature to excite the indignation not only of the party most interested, but of the world.

It did not, it may be presumed, come to the knowledge of Washington until late in the year 1780, but unexpectedly to Reed, the reply of Lee, indicating, in part, its character, was received and opened by Washington, in the absence of Reed. It probably was received on the twenty-fifth or twenty-sixth of November, as on the twenty-seventh, Reed, aware of his critical position, resigned his commission of adjutant-general. The motive must have been strong, if the language of Reed to a general officer is referred to: "The retirement of a general officer, possessing the confidence of his country and the army, at so critical a period, appears to me to be big with fatal consequences, both in the public cause and his own reputation."*

Three days after, on the thirtieth, Washington addressed him a short note, transmitting the letter of Lee: "The enclosed was put into my hands by an express from White Plains. Having no idea of its being a private letter, much less suspecting the tendency of the correspondence, I opened it, as I have done all other letters to you from the same place and Peekskill, upon the business of your office, as I conceived and proved them to be. This, as it is the truth, must be my excuse for seeing the contents of a letter which neither inclination nor intention would have prompted me to," &c.

This calm, cold note, was most expressive. Reed felt himself on the verge of an abyss. Ere a fortnight had elapsed, Lee was captured. His danger of

* Life of Reed, i. 109.

exposure became imminent. The prospects of Washington had darkened. Haunted with the apprehension of the ruinous disclosure, and seeing nothing between himself and the enemy, but "the shattered remains of a broken army," Reed may have faltered.*

The victories of Trenton and Princeton gave new life to the American hopes. When the army was quartered at Morristown, Reed retired from the camp, and soon after had the happiness of receiving a kind note from Washington, who, mindful of former services, was unwilling to remember the impression made by the intercepted letter of Lee. Soon after, he recommended him to the command of the horse.

To reinstate himself in Washington's confidence was a great object, and on the eighth of March, Reed wrote to him: "The Congress having adjourned to this city, I suppose they will soon come to some resolution respecting the command of the horse. As ambition for military command is not my ruling passion, I make no doubt any preference given to any other person will be founded on such merit, as will give satisfaction to every one. I am sure it will give it to me, as I love my country too well, and have too deep a stake in the game not to wish it well played."

These observations follow:

"I could have wished to have one hour of private conversation with you on the subject of a letter, written to me by General Lee before his captivity. I deferred it in hopes of obtaining from him the letter to which his was an answer. I fear, from what we hear, that he will be sent to England, and of course there will be little probability of my obtaining it. While he stays in America, I cannot give up my hopes, and in the mean time I most solemnly assure you, that you would see nothing in it inconsistent with that respect and affection which I have and ever shall bear to your person and character. My pressing him most earnestly to join you as soon as possible, and mentioning that Mount Washington was taken before any decision was had respecting it, led to expressions and an answer which must have been disapproved by you, and which I was far from expecting. I had rather multiply instances than repeat assurances of my respect and attachment. No man in America, my dear General, more truly and ardently wishes your honor, happiness, and success, or would more exert himself to promote them. I say more upon this occasion, from a probability that we shall not renew our military connection, and therefore can have no other interest than that of securing your esteem, free from all selfish principles."

The sincerity of these assurances was not doubted, and ere a month elapsed, Washington announced to him that he had, by authority of Congress, assigned him to the command of the horse. Reed thus acknowledged the

* Hamilton to General Cadwallader, March 14, 1778.

kindness on the fourth of June: "The abuse and calumny, which, with equal cowardice and baseness, some persons have bestowed, would have given me little pain, if I did not apprehend that it had lessened me in your friendship and esteem. In this part, I confess, I have received the severest wound; for I am sure you are too just and discerning, to suffer the unguarded expressions of another person to obliterate the proofs I had given of a sincere, disinterested attachment to your person and fame, since you first favored me with your regard.

"I am sensible, my dear sir, how difficult it is to regain lost friendship; but the consciousness of never having justly forfeited yours, and the hope that it may be in my power fully to convince you of it, are some consolation for an event, which I never think of but with the greatest concern. In the mean time, my dear General, let me entreat you to judge of me by realities, not by appearances, and believe that I never entertained or expressed a sentiment incompatible with that regard I professed for your person and character, and which, whether I shall be so happy as to possess your future good opinion or not, I shall carry to my grave with me.

"A late perusal of the letters you honored me with at Cambridge and New York last year, afforded me a melancholy pleasure. I cannot help acknowledging myself deeply affected, on a comparison with those which I have since received. I should not, my dear sir, have trespassed on your time and patience at this juncture so long, but that a former letter upon this subject, I fear, has miscarried; and, whatever may be my future destination and course of life, I could not support the reflection of being thought ungrateful and insincere to a friendship which was equally my pride and my pleasure. May God Almighty crown your virtue, my dear and much respected General, with deserved success, and make your life as happy and honorable to yourself, as it has been useful to your country.

"Believe me, with the most unfeigned regard and respect, dear sir, your most obliged and affectionate humble servant."

Moved by these solemn assurances, the reality of which Washington did not permit himself to question, they were thus met by a letter ten days later:

"MIDDLEBROOK, *June* 14, 1777—I could not resist the inclination to thank you, as I do most sincerely, for the friendly and affectionate sentiments contained in yours of the above date towards me, and to assure you, that I am perfectly convinced of the sincerity of them. True it is, I felt myself hurt by a certain letter, which appeared at that time to be the echo of one from you. I was hurt, not because I thought my judgment wronged by the expressions contained in it, but because the same sentiments were not communicated immediately to myself.

"The favorable manner in which your opinions, upon all occasions, had been received, the impression they made, and the unreserved manner in which I wished and required them to be given, entitled me, I thought, to your advice upon any point in which I appeared to be wanting. To meet with any thing, then, that carried with it a complexion of withholding that advice from me, and censuring my conduct to another, was such an argument of disingenuity, that I was not a little mortified at it. However, I am perfectly satisfied, that matters were not as they appeared from the letter alluded to." He urged him to accept the appointment of Congress.

Reed did not accept this high commission. He was soon after elected a delegate to Congress by Pennsylvania, in which capacity he was much at head-quarters, before and after the battle of Monmouth. His intervals were not unoccupied. On the fifth of October, seventy-eight, he wrote General Armstrong from Philadelphia, "The designs of a Tory, proprietary, Quaker party are too obvious, and, if not crushed in the bud, will produce a plentiful crop of misery and dissension through this State. After fighting the open enemies of the country, I have now devoted my poor talents to its service in pleading its cause against the wretches who have secretly been endeavoring to ruin it."

The arrest of General Lee, it would seem, had, in the mean time, quickened Reed's apprehensions of exposure. Aware of his headlong character, and fearful lest his hostility to Washington might prompt him to inflict a wound upon the pride of the Commander-in-chief by the publication of the haunting letter of his confidential aid, from Hackensack, Reed resorted, as his only hope, to the expedient of obtaining the promise of Lee not to expose him.

He addressed to him a letter, on the eighth of July, 1778, the answer to which shows it was well adapted to pique his sense of honor, and for the time proved entirely successful.

Lee, on the twenty-second of July, '78, acknowledged it with a *crescendo*.

"Dear Reed *—Though it may appear somewhat paradoxical, I must say that your letter has filled me with astonishment, anger, and pleasure. *I am astonished* that a man of your clear understanding should have confused matters so strangely as you seem to have done on the subject of my letters to the printer at Trenton and to yourself. *I am pleased* in your having confirmed me in the opinion I had entertained of your regard and friendship, and *I am angry* that you should *suppose me* for a single moment *capable of availing myself of some expressions you had made use* of in a *confidential* letter, to *embroil* you with a man that the public interest certainly, and perhaps your personal concerns, render it necessary you should be on good terms with." The residue of this letter, containing some curious matter, closes with this sentence. "As to you,

* Life of Reed, i. 869.

my dear Reed, I still have all the reason possible to rank you, as I ever have done, one of the first in my esteem and affection."

The next stage in the progress of this matter, which had become dramatic, was in the year seventy-nine.

Stung with mortification, and exasperated at the unmeasured censure of his conduct, Lee resolved on an appeal through the press. He prepared a paper entitled, "Some Queries, Political and Military, humbly offered to the consideration of the public." The gazettes of Philadelphia refusing to print them, he addressed a note of the 7th June, 1779, to Goddard, printer of the Maryland Journal, issued at Baltimore:

"DEAR SIR:—

"As I am acquainted with your just way of thinking, liberality, and impartiality, and as I think the time is now arrived when the People will bear Truth, I enclose you some Queries which I believe you have seen before. If you are of opinion that they will be of use, I could wish you would insert them in your paper, with the following introduction.

"The following Queries, political and military, were some time ago handed about Philadelphia. The import of some of them is so curious, that they may perhaps afford amusement, if not information, to your readers.—Is Col. Oswald with you? If he is I beg my love to him." This request was repeated on the 19th of June. "I understand my *friend*, Col. Oswald, is entered into Partnership with you. Without this consideration I should have done your press all the service in my Power, as I have a very great Regard for yourself personally, But I have now a double motive. I have many papers which will be of Service to you, and you may be assured that to you alone they shall be consigned. I hope you will not think it improper to insert the Queries I enclosed. You have, and ought to have, the first reputation for Impartiality as a Printer on the Continent."

Thus entreated, the Queries were published on the sixth of July. Oswald was called upon for an explanation. He absented himself for a time, then appeared in public, and, irritated at the decided disapproval of the gallant Col. Smith,* challenged him. Goddard, the printer, fled to Annapolis and published a recantation—"I have transgressed against truth, justice, and my duty, and beg pardon."

Among these twenty-five obnoxious Queries, three "were understood at the time to refer directly to Washington and Reed."†

"Query 9th. Whether it is salutary or dangerous, consistent with or abhorrent from the principles and spirit of liberty and republicanism, to inculcate

* Col. Saml. Smith. † Reed's Life, i. 261.

and encourage in the people an idea that their welfare, safety and glory depend on one man? Whether they really do depend on one man?

"10th. Whether among the late warm, or rather loyal addresses in this city" (Philadelphia), "there was a single mortal, *one gentleman excepted*, who could possibly be acquainted with his merits?

"11th. Whether this gentleman excepted *does really think* his Excellency *a great man*; or whether evidence could be produced of his sentiments being quite the reverse?"

Thus forced into the light, and feeling himself compelled to an explanation, Reed, now President of Pennsylvania, issued this publication:

"In a set of queries designed to assail the character of General Washington, in a late paper, I am alluded to so particularly as not to be mistaken, and quoted as having furnished evidences, under my own hand, that General Washington was not the distinguished character the addresses of the Council of this State had represented; from which an inference is to be drawn prejudicial to the General in point of ability, and the Council in consistency, so far as I had any share in those addresses. This insinuation I therefore think it my duty to contradict; and, though the sanctity of private and confidential correspondence has been grossly violated on this occasion, I should have passed it by, if the fact had not been as grossly misstated.

"The only ground on which this insinuation can be made, arose from the following circumstance: In the fall of 1776, I was extremely anxious that Fort Washington should be evacuated; there was a difference in opinion among those whom the General consulted, and he hesitated more than I ever knew him on any other occasion, and more than I thought the public service admitted. Knowing that General Lee's opinion would be a great support to mine, I wrote to him from Hackensack, stating the case, and my reasons, and, I think, urging him to join me in sentiment at the close of my letter; and, alluding to the particular subject then before me, to the best of my recollection, I added this sentence: 'With a thousand good and great qualities, there is a want of decision to complete the perfect military character.'

"Upon this sentence, or one to this effect, wrote in haste, in full confidence, and in great anxiety for the event, is this ungenerous sentiment introduced into the world. The event but too fully justified my anxiety; for the fort was summoned that very day, and surrendered the next. I absolutely deny that there is any other ground but this letter; and if there is, *let it be produced*. I have now only to add, that though General Washington soon after, by an accident, knew of this circumstance, it never lessened the friendship which subsisted between us. He had too much greatness of mind to suppose himself incapable of mistakes, or to dislike a faithful friend who should note an error with such circumstances of respect, and on such an occasion

I have since been with this great and good man, for such he is, at very critical moments; and I hope I shall not be suspected of unbecoming adulation, when I assure my countrymen, (so far as my opinion is thought of any consequence,) that they may repose themselves in perfect confidence on his prudence and judgment, which are equal to any circumstances; and that repeated experience of the value of his opinions have inspired him with more dependence on them than his modesty and diffidence would in some cases formerly admit. Time will show whether his enemies will not find themselves disappointed in their attempts to shake the public confidence, and lessen a character of so much worth, to gratify private violent resentments."

The public were not only to be appeased, but an exculpation from Washington was desirable. Reed communicated this publication to him. The Commander-in-chief, who had been in frequent correspondence with him, thus acknowledged it on the 22d of August: "Mr. Tilghman delivered to me your favor of the 8th instant, for which and the favorable sentiments expressed of me in your publication addressed to the printer of the Maryland *Journal*, you will permit me to offer my grateful acknowledgments." An explanation of the causes of the loss of Fort Washington followed.

Thus it was that Washington was led to continue with him his kindly intercourse. This was not of long duration. The correspondence with Reed appears, on the part of Washington, to have ceased on the 20th of November, 1780, excepting a reply by him of 15th of September, 1782, to a letter of Reed of 11th of that month, the tone of which letters it is impossible to misunderstand.

This defence is remarkable. It contains a public assertion that the letter of Reed to Lee was written to obtain his *support* to the opinion that Fort Washington *should be evacuated*. "In the fall of 1776, I was extremely anxious that Fort Washington *should* be *evacuated*. Knowing that General Lee's opinion *would* be a great *support* to mine, I wrote to him from Hackensack, stating the case, and my reasons, and I think urging him to join me in sentiment at the close of my letter." The hypothesis on which this statement proceeds will be seen to have been wholly incorrect. Fort Washington *had been* surrendered on the *fifteenth* of November, and the letter to induce its being evacuated was not written until the *twenty-first* of that month—*after* the evacuation had taken place, which was the very groundwork of the censure of Washington.

This publication by the President of the Commonwealth of Pennsylvania, after both stating what his letter did not contain, and misstating what it did, gives a challenge to the world to show that there was any other ground but this letter, for the allegation that evidence could be produced to show that he did not think Washington was a great man. "And if there is," he says, any other ground, "let it be produced."

Thus Lee was held to his engagement—not to publish the letter actually written, though the version of it was turned against himself. It is not surprising to learn from the Life of Reed, from which these facts are derived, that "there is among the MSS. of Mr. Morris a letter from Lee, dated Berkley County, Virginia, 16th June, 1781, filled with very *virulent denunciation of Lee* and his friends."*

Thus, it is seen that Washington, in his continuing expressions of regard and confidence to Reed, is not subject to the charge of a want of frankness.

PAGE 178.

In the life of Washington by Irving, vol. iv., 227 to 233, referring to a late reply of General Washington to Sullivan in respect to Hamilton's appointment as Superintendent of Finance, these observations are seen:

"It was but a *few days* after Washington had penned the eulogium just quoted, when a scene took place between him and the *man* he had *praised so liberally*, that caused him deep chagrin." Then quoting Hamilton's letter, it is remarked: "In considering this occurrence, as *stated by Hamilton himself*, we think he was in the wrong. His *hurrying past* the General on the stairs, without pausing, although the latter expressed a wish to speak with him; his giving no reason for his haste, having, *in fact, no object in hurrying down stairs* but to deliver a letter to a fellow aid-de-camp; his *tarrying below to chat* with the Marquis de La Fayette, the General all this time remaining at the head of the stairs, had *certainly* an air of *great disrespect*, and we do not wonder that the Commander-in-chief was deeply offended at being so treated by his *youthful* aid-de-camp. His expression of displeasure was *measured* and *dignified*, however irritated he may have been, and such an explanation, at least, was due to him, as Hamilton subsequently rendered to General Schuyler, through a desire *to justify* himself in *that* gentleman's opinion.

"The reply of Hamilton, on the contrary, savored *very much of petulance*, however devoid he may have considered it of that quality, and his avowed determination to "part," simply because *taxed* by the General with want of respect, was singularly *curt* and *abrupt*."

A careful perusal of Hamilton's letter shows that this representation is not warranted in any one particular by this letter, upon which it states it is founded, and which is the only existing account of the occurrence.

* Reed's Life, i., 370. Note.

Hamilton relates, as they were passing on the stairs, that "he, Washington, told me he wanted to speak to me. I answered that I would wait upon him *immediately*." Can such a reply, between persons in daily official intercourse of such intimate relations, be justly censured as "hurrying past without pausing," and therefore as disrespectful?—"His giving no reason for his haste, having, *in fact, no object* in hurrying down stairs, but to deliver a letter to a fellow-aid-de-camp." Has this representation a semblance of truth? Hamilton's statement is, and there is no other, "I went below and delivered Mr. Tilghman a letter to be sent to the commissary containing an *order* of a *pressing* and *interesting* nature."—"His *tarrying below* to *chat* with the Marquis de La Fayette, the General all this time remaining at the head of the stairs," these acts "had *certainly* an air of *great disrespect*" on the part "of his *youthful* aid-de-camp." Hamilton was then *twenty-four* years of age, and "had been admitted" as Mr. Irving states, "like a veteran into his counsels." His statement is, "Returning to the General, I was *stopped* on the way by the Marquis de La Fayette, and we conversed together *about a minute* on a *matter of business*. He can testify *how impatient* I was to get back, and that I left him in a manner which, but for our intimacy, would have been *more than abrupt!*" Thus there was *no* "tarrying below," but impatient haste to return—*no* chatting with the Marquis, the conversation being about a *minute* on a matter of *business*—abruptly broken off at the hazard of an indecorum towards a friend whose great services and importance, generous spirit and perfect breeding, entitled him to the utmost decorum, to avoid the displeasure of the General. "I sincerely believe my absence which gave *so much umbrage*," Hamilton states, "did not last *two minutes*."

All the grounds of these charges thus wholly fail. A "shadow has been grasped at," and nothing more. Washington admits the whole case, without a wish to color it, by his overture, and avowal "of his desire to heal a difference which could not have happened but *in a moment of passion*," and Schuyler defines the treatment as an "*insult*." La Fayette, and Hamilton's fellow-aids, in their warm letters to him of affection and regret, speak their views of the "scene."

Nor can Hamilton's reply, it is believed, be regarded as "savoring too much of petulance." He states, "I replied *without petulancy*, but with an air of decision, 'I am not conscious of it, sir, but since you have thought it necessary to tell me so, we part.'" His decision, he remarks, "was *not* the effect of resentment, it was the deliberate result of maxims I had *long formed* for the government of my own conduct," and that remaining in the office of aid-de-camp "which I always disliked as having in it a kind of personal dependence, while from MOTIVES OF PUBLIC UTILITY, I was doing violence to my feelings, I was always determined, if there should ever happen a breach between us,

never to consent to an accommodation; I was persuaded, that when that *nice barrier* which marked the boundaries of what we owe to each other, should be thrown down, it might be propped again, but could never be restored."

Having formed this determination, the expression of it ought to have been, as it was, explicit and instant. The assertion of personal dignity does not admit of detour or delay.—The preferring to decline an explanation, was to avoid "explanations mutually disagreeable." Would "*such* an explanation" to Washington, as was rendered to Schuyler, have been decorous? Would not any explanation, as matters were, have widened the breach? As to the contrast of Hamilton's desire to justify himself in Schuyler's opinion, it will not be forgotten, that General Schuyler was the father of Hamilton's wife.

Mr. Irving does not stop here. He goes still farther, and ascribes Hamilton's conduct to ungratified ambition, the not obtaining "an independent position," and "an opportunity to raise his" (military) "character above mediocrity"—to his not receiving the advancement to which Greene and La Fayette, men capable of appreciating his merit, had commended him. The facts do *not* sustain the charge, while the *suppression* of an important fact, Hamilton's own proposal of Hand—ante p. 148, gives it color. This observation follows: "*It almost* looks, as if in his high strung and sensitive mood, he had been on the *watch* for *an offence*, and *grasped at the shadow of one*." Is the relation of the staff to his chief, such as to require such a pretext or any pretext, for retiring? Would not such a notion be fatal to the necessary relations of confidence and independence between a general and his staff? 'Tis said, "he *grasped at the shadow of an offence*." Is the "being accosted," "in an angry" tone, at the head of a stairway, doubtless overheard even by the orderlies, nothing more than "a shadow of an offence?"

The result proved that Hamilton, drawing the lessons for his conduct from his self-respect, judged well and wisely. During the long and most near relations which subsequently existed between Washington and himself, so beneficial to this country, and which, it must be admitted, would never have been resumed, had Hamilton been less tenacious, or had Washington regarded the occurrence in the same light with the commentator, "the *nice barrier* was never again thrown down." There was mutual respect and mutual deference.

Hamilton's communication of the particulars of this difference to La Fayette, is mentioned with no kind purpose. May not La Fayette have overheard this angry accosting, and asked an explanation? If so, could it have been refused without great self-injustice? Was the understanding other than, as Hamilton states, that there should be "no *public* knowledge of the breach," lest it should have "an ill-effect?"

Hamilton did prefer the risk of misrepresentation by jealous men of the

army and of the world, to a hazard of the public good. But could it be expected that he would withdraw from the staff after such "a scene," without confidential disclosures to his most intimate friends, who had a right to know the facts, to protect himself from misjudging or malicious censure, disclosures that had no "ill effect"—disclosures that, the commentary, which is the subject of this note, proves, were of first importance to protect his character from calumny. 'Tis strong evidence of Schuyler's opinion that Hamilton's letter was a perfect vindication, that he preserved it twenty years, and then placed it in the hands of his widowed daughter to guard her deceased husband's fame.

There is too much of method in the whole misstatement. It commences with a contrast between Washington's "liberality" and Hamilton's unkindness, and, after error following error, ends with a gratuitous imputation without the slightest warrant.

Indeed, the whole comment, if analyzed, conveys serious charges, which, if well founded and well considered, more injure Washington than Hamilton, exhibiting him as stooping to an overture under circumstances that ought to have forbidden it, and "thanking" him for his continued aid—charges very lightly made, and, though their fallacy has been exposed, neither withdrawn nor "corrected."*

It cannot escape remark, that, while the gross misconduct of other noted actors in the Revolution, both in civil and military capacities, deeply affecting great public interests, is softened in the representation or unnoticed, this "difference," soon composed, should be selected as the subject of such pointed animadversion.

The seats of Government of two important States are captured by the enemy, without resistance, and not a whisper of disapprobation is heard. The infidelity of one of Washington's staff is cursorily adverted to, and a temporary "difference" with another most faithful, ever devoted friend, is diligently criticized!! Whether the solution of all this is to be found in the influence of certain early political associations, or in some other cause, is of little moment. The requital† is certainly as unexpected as this unavoidable exposition of in-

* Note at end of Vol. ii., Irving's Washington.

† A becoming correction of the errors of Mr. Irving's statement was published in the National Intelligencer, in June last, by a gentleman, without my agency. Within a few weeks past, I called Mr. Irving's attention to the subject, and asked him if he did not intend to modify his representation. He replied in the negative, except "as to a few words." The continuance of so obvious an injustice to Gen. Hamilton's memory must have a *motive*.—I have called it an unexpected requital. Learning that Mr. Irving was engaged in writing the Life of Washington, I addressed him a note, to which he replied—

SUNNYSIDE, *April* 23d, 1849.

MY DEAR SIR,—I am much obliged to you for calling my attention to the passage in

injurious errors is painful. "Ego hoc animo semper fui, ut invidiam virtute partam, gloriam, non invidiam putarem."

Washington's letter of Nov. 11, '75, suggesting the establishment by Congress of a Prize-court, and for your observations thereon, by which I shall be happy to profit. —— I trust to be benefited by access to all the papers of your father necessary to the execution of my work. There must be many of great interest and importance which have not yet come before the public. As I observed before, however, it may be some time yet before I shall have occasion for them. Very truly, my dear Sir,

Your obliged friend,

WASHINGTON IRVING.

JOHN C. HAMILTON, Esq.

This language was repeated some months after.

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THE HISTORY

OF THE

REPUBLIC OF THE UNITED STATES.

CHAPTER XX.

The chief objects of Washington, with his small force, now were, to maintain the Highland posts, to hold his army in a position to strike at New York in case the enemy's strength should be diminished by distant expeditions, and to prevent the reoccupation of Philadelphia. With these views his troops were hutted, a part along the Hudson under Heath, the residue under his immediate command at Morristown.

It was a winter of memorable severity. Its rigors were the more felt from the unprovided condition of the army. "It is lamentable," Hamilton wrote for Washington, on the first day of the new year, "that our magazines are so empty and that our future prospects are so alarmingly limited. The worst consequences are to be apprehended if some change does not speedily take place. Every information I obtain makes me fear we shall be driven to the necessity of a general forage upon the

country. To do this, I wish you to supply me with an immediate estimate of what flour and cattle each county can spare, besides what is already engaged for the public use, that a plan may be adopted as equal and as little inconvenient as possible to the inhabitants. I must also desire that you will, without fail, give me a week's notice of the period at which you have reason to believe our supplies will totally cease." *

This notice being received, a requisition was made upon the magistrates of New Jersey to collect supplies from the several counties, and instructions were issued to officers of the army, in case of refusal, to impress the quantity required. "This you will do," Hamilton wrote for Washington, "with as much tenderness as possible to the inhabitants, having regard to the stock of each individual, that no family may be deprived of its necessary subsistence. Milch cows are not to be included in the impress. I have reposed this trust in you, from a perfect confidence in your prudence, zeal, and respect for the rights of citizens. While your measures are adapted to the emergency, and you consult what you owe to the service, I am persuaded you will not forget, that, as we are compelled by necessity to take the property of citizens for the support of an army, on whom their safety depends, we should be careful to manifest that we have a reverence for their rights, and wish not to do any thing, which that necessity, and even their own good do not absolutely require."

Unwilling to remain inactive, expeditions were projected at this time by the Americans for the capture of Detroit and to the Natchez, but were discountenanced for want of present means, and the danger of exposing Fort Pitt. Still preliminary preparations were advised.†

* To Royal Flint, A. C. P.

† Hamilton for Washington to Col. Broadhead, Jan. 4.

A nearer object presented itself, yet even this was looked to with hesitation, from the state of the army—"men half starved and imperfectly clothed, riotous and robbing the country people of their subsistence from sheer necessity." Still, if the state of the ice permitted, it was a measure not to be relinquished at a time when it was important to occupy the minds of the soldiers by active service.

It being ascertained that a passage over the ice to Staten Island was practicable, General Stirling crossed, in the middle of January, accompanied by Hamilton, at the head of twenty-five hundred men. The latter writes to Washington: "The defence of the stone house in which the enemy may attempt to defend themselves may be obstinate, and we should have it in our power, by the severity and duration of our fire, to bring them to reason." The enemy discovering his approach took refuge in this house. The communication with New York was found to be open. Thus their relief was certain and immediate. Under these circumstances the expedition returned without effecting any thing of moment. A second attempt was contemplated, but was not prosecuted. Incursions into New Jersey and Westchester were soon after made by Knyphausen, but of too limited effect to warrant a detail.

The settlement of a cartel for an exchange of prisoners was again attempted, though, as appears in a letter to La Luzerne written by Hamilton, Washington did "not entertain any sanguine hopes of success." Instructions prepared by Hamilton were issued to General St. Clair, Colonels Carrington and Hamilton on the eighth of March. They were "to transact nothing but upon principles of perfect equality, and on a national ground;" language dictated by the previous course of the British com-

manders. Upon this basis, discretionary powers were given, and in the belief that a national cartel could not be established, they were to prepare the way for some particular agreement that would give relief to the officers and men in captivity.

The commissioners met at Amboy, whence Hamilton wrote "that the enemy, as was supposed, had no idea of treating on mutual ground; that the commission was broken up; and that they were in private conversation, entertaining hopes that the liberation of our prisoners would be effected on *admissible* terms."

The obstacles which arose are stated in a letter to Congress written for Washington by Hamilton. The desired result was not attained.

The disappointment was the greater, as it appears in a letter written by him for the commander-in-chief to the French envoy, that "the efforts of the British court for obtaining troops in Germany were attended with little success," and the motive to exchange would therefore be stronger. La Luzerne had transmitted an extract from a recent document prepared at Madrid. In allusion to it, Hamilton remarked, "the inconsistency of the court of London so well delineated" in it, "would appear extraordinary, if their whole conduct in the course of the war did not exhibit many similar examples. But it is evident, that their refusing to consider these States as independent, of fact, during a negotiation, was a mere pretext to cover their unwillingness to concur with the pacific views of his Catholic Majesty; and the memorial from the British ambassador shows, that they were artfully aiming to effect a separation of interests between France and these States, the better to prosecute their hostile designs against either or both."

The policy of the next campaign now came into view.

What it should be would chiefly depend on the succors from France.

While measures were being taken to improve the discipline of the different corps of the army, as shown by letters from Hamilton's pen, a direct opinion was called for by a memorial addressed by Steuben to Congress. Hamilton, in behalf of the commander-in-chief, stated to him, that it was "not possible to decide the question," whether it should be offensive or defensive, "without a more intimate knowledge of our resources of finance than I at present possess, and without ascertaining whether our allies can afford a squadron for an effectual co-operation on this continent." He doubted whether an adequate force for offence could be maintained without assistance from abroad. "If a foreign aid of money and a fleet are to be depended upon, I should then recommend that all our dispositions should have reference to an offensive and decisive campaign," and with this intent, "a general draft" of men.

Every indication, however, was believed to point to a defensive campaign, in which view, assent had been given to a reduction of the number of battalions, as a submission to the urgency of the finances. This compelled him to decline a movement proposed by the French minister. In a subsequent letter to Steuben on the same subject, Hamilton remarked in Washington's name: "My sentiments concerning public affairs correspond too much with yours. The prospect, my dear baron, is gloomy, and the storm threatens. But I hope we shall extricate ourselves, and bring every thing to a prosperous issue. I have been so inured to difficulties in the course of this contest, that I have learned to look upon this with more tranquillity than formerly. Those which now present themselves, no doubt, require vigorous exertions to overcome them, and I am far from despairing of doing it."

The embarrassments in the conduct of this war from outward causes were greatly increased by the crude and inaccurate opinions as to the exercise of subordinate powers, naturally existing among a people so recently emerged from a colonial dependence. In contrast with these opinions, nothing is more marked than Hamilton's early and well defined views of a systematic limitation and demarcation of the relative duties and authorities proper to duly organized governments, and of obedience to laws however impolitic. This is frequently seen. The price of transportation had been regulated by law. Greene was embarrassed by the unwillingness of the inhabitants of New Jersey to be governed by the law. Hamilton, in the name of Washington, suggested an expedient. "It would be excessively disagreeable to authorize a departure from the law, especially in an affair of so delicate a nature; and yet it is indispensable the transportation should go on with vigor. To answer this purpose without incurring the other inconvenience, I recommend to you to adopt this expedient—to pay for the present at the regulated prices, engaging that in case the measure of regulation should not become general, and the assembly of this State should repeal the laws on the subject, then to make good the difference between the regulated and the market prices."

Great discontents had arisen among the soldiers in consequence of the different periods of enlistment of different parts of the army.

An attempt was made to escape the service by appeals to the judicial authorities of the States. An interposition by a judge of the supreme court of New Jersey had been the occasion of a letter to the governor of that State written by Hamilton in Washington's behalf. The matter was soon after again treated by him in a letter to the judge himself: "I cannot forbear observing that it is of

great importance the different powers in the State should carefully avoid the least interference with each other; and in the present case I am clearly of opinion the matter in question falls properly within no other jurisdiction than that of Congress and the military authorities they have been pleased to establish. Every discussion of this kind, however, is extremely disagreeable, and it were to be wished the strictest delicacy could at all times be observed not to furnish occasions."

Soon after he was called to comment on an usurpation by a body constituted by Congress. He wrote in Washington's name to the Board of War: "I have received the enclosed proceedings of a general court-martial held by order of the Board. As I am not informed of any provision having been made for vesting the power of appointing courts martial in the Board (which is too confined in many respects), I should not think myself at liberty to confirm the proceedings themselves. But they are too summary, and the evidence not fully enough stated to justify our approbation of decisions which affect life. No mention is made of the corps to which the prisoners belong, the corporal punishments too are irregular, exceeding the limits prescribed by our military code, which is in this instance also defective, and in the case of Captain —— he is found guilty of the additional crime of forgery, though the charge against him only is fraud.

"I flatter myself I need not assure the Board that the scruples now suggested, do not proceed from the least disposition to bring their power, in any instance, into question, which is the remotest of any thing from my intention. But as the regular administration of justice, as well in the military as civil line, is of essential importance, and as the regular constitution of courts is a fundamental point towards it, the Board will be sensible it is my duty to be

satisfied on this head, before I give my concurrence in any trials where there is room to doubt. I shall therefore be obliged to them to give me the necessary information concerning their powers in this respect, lest upon recollection, it may be found that sufficient provision has not been made. I enclose an order for holding a new court, that the offenders may not escape, and I could wish a hint may be given to the gentleman acting as judge advocate, to be more explicit and particular in designating the circumstances of the crime and the evidence."

It may suit the taste of the novelist to paint in miniature the sad details of the private sufferings of individuals through excesses of the enemy, even at the criminal hazard of reviving, extending, and perpetuating national animosities. But it is believed to be a worthier office to portray the revolution as a school of government in which America was taught in her youth the invaluable lessons of obedience to law, and moderation in the exercise even of lawful power.

During this period of inactivity at the north, events were in progress to a serious result at the south.

The departure of the French fleet and the return of Lincoln to South Carolina were soon followed by an embarkation at New York. Late in the previous December, Sir Henry Clinton with Lord Cornwallis, at the head of a body of nearly six thousand men, under convoy of five ships of the line and several frigates,* sailed for Savannah. In anticipation of this movement, the North Carolina brigade and the troops of Virginia had been detached from the northern army to Charleston.

Delayed by the weather, Clinton did not reach the Edisto until the middle of February. During this interval the utmost exertions were made to strengthen the for-

* Washington's Writings, vi. 486.

tifications of that city, In its defence, the control of the harbor was of the first importance. That it could be maintained, was chiefly founded on an impression that the bar was impassable by vessels of large size. Letters of encouragement were addressed by Hamilton to Lincoln in the name of Washington. On the twenty-seventh of February he wrote: "Hitherto our affairs to the southward have certainly been more prosperous than could have been expected from circumstances, and if the issue is not favorable, I am thoroughly persuaded it will not be your fault."

He was apprised of a royal order of the Spanish monarch urging a diversion by the United States of the British force towards Georgia, to prevent succors being sent to Pensacola and Mobile, which the governor of Louisiana was about to attack with a force prepared at Havana. "If the enemy act offensively against the Carolinas your whole attention will necessarily be engaged at home, but if they should direct their force elsewhere, you may possibly have it in your power to pursue measures favorable to the operations of the Spaniards and to the immediate interest of the United States. You will have since been informed that your information with respect to the Virginia troops being detached to the southward was good. Though they could be ill spared from the army, I thought we should have less to fear here than you there, without them; and it appeared, upon the whole, advisable to throw in the weight of Virginia into the defence of our southern extremity."

How anxiously aid from Virginia was desired, and how inert she still was, is shown by a letter from Colonel Laurens written at Charleston two days before this communication to Lincoln: "Reinforcements are expected—General Hagan is within a few miles. The Virginia

troops are somewhere! *Assistance from that sister State has been expected these eighteen months.*" *

The appearance of a body of troops being detached under the command of Lord Rawdon was some time after announced,—the awaiting of which might throw the enemy into the hot season, and induce the abandoning the siege. Hamilton wrote, the fifteenth of April: "You will easily conceive the degree of our solicitude here for the fate of Charleston and its garrison. My apprehensions, after all, are principally for the harbor. If this is secured, the operations against you must become critical and arduous: But whatsoever may be the result, of this we are assured, that no exertions, prudence or perseverance will be wanting to defeat the attempts of the enemy. May the office be equally conducive to your personal glory, and to the advantage of these States." Lincoln was informed, that in case the British detachment should sail, the Maryland division of two thousand troops would be sent forward, not in the hope of influencing the fate of Charleston, but, if it should fall, to prevent the British getting entire possession of the State—as the Southern States would then probably "become the principal theatre of war." Information was now received, that the enemy's fleet had crossed the bar of Charleston. "The advices you give me," Lincoln was informed by Hamilton in the name of Washington, "greatly increase my anxiety for the fate of Charleston and the State of South Carolina; and you will believe that my solicitude is not unmixed with considerations of personal friendship. The loss of the bar is a very serious loss. I hope it may not be a fatal one. This consolation, however, offers itself—that the honor of our arms is safe in your hands, and that if you must fall, you will not fall without a vigorous struggle." He was apprised that the Maryland division had marched.

* Tarleton's Campaigns, p. 34.

The enemy in the mean time proceeded in their investiture. A summons to surrender was given and rejected. The approaches were continued, and an evacuation was proposed. The inhabitants remonstrated, and Lincoln, partly governed by the difficulty of a retreat, continued the defence. A second parallel was completed, and the town was encircled. Again a retreat was advised, and become more difficult, was again rejected in the hope of some fortunate relief. The enemy, reinforced by Rawdon, pressed on the siege. Fort Moultrie was at last surrendered and occupied. Their third parallel was finished, and the exhausted garrison was insufficient to man the lines. The defence became hopeless. A second summons to surrender was given, and terms of capitulation were proposed by Lincoln. These being refused, hostilities were renewed. The besiegers were within twenty yards of the works. An assault was being prepared by the land and naval forces. The townspeople now petitioned that the terms proposed by the enemy should be accepted—Lincoln yielded, and on the twelfth of May a capitulation was signed.* This defence of a town of such extent, with temporary fortifications, without outworks, by a feeble garrison, chiefly militia, against so superior a force, for a period of forty-two days, proved the confidence in Lincoln was fully warranted. The loss of the garrison was small, and, if the siege could have been prolonged until the arrival of a French fleet momentarily expected, the Southern States would probably have been relieved.

Sir Henry Clinton now had Carolina and Georgia in his hands. To secure his advantages, a large detachment of his troops was ordered under Cornwallis to the frontiers of North Carolina to meet the advancing troops from

* Marshall, i. 336.

the north—another was detached to the vicinity of Georgia; and a third marched for Augusta. The success of Tarleton over a small body of troops near the Waxhaw completed the conquest of the two most Southern States. Having proclaimed their subjugation and required the allegiance of the inhabitants, leaving Cornwallis at the head of four thousand men in South Carolina, the British commander-in-chief, early in June, returned to New York.

New hopes of success were indulged by Great Britain. "Since the reduction of Charleston," was the language, "we look on America at our feet." †

But in America other thoughts occupied the people, confident of the final result. A letter was received* not long before at head-quarters from President Bowdoin, transmitting a copy of the plan proposed for the constitution of Massachusetts. Hamilton acknowledged it, in behalf of Washington: "From a cursory view of it, it appears to me to be a very judicious one, and to possess all the requisites towards securing the liberty and happiness of individuals, and at the same time giving energy to the administration. This last, indeed, is essential to the former, though in some of our constitutions it has not been sufficiently consulted. It is of great importance that a State which is of so much weight in the Union as that of Massachusetts, should have a well-combined and vigorous government, and nothing will give me greater pleasure than to learn that the people have adopted one which answers this description. It is devoutly to be wished this campaign may be our last."

A fortnight prior to the capitulation of Charleston, joyous tidings reached the United States. La Fayette's second visit to his native country was most opportune. He arrived in Paris at the moment when the war for the

* Walpole to Mann, iii. 253.

independence of America was in high popularity throughout France. He was put in arrest a week for his disobedience to the order not to leave France, but this was a mere formality. Vergennes received him in private. His example had roused the spirit of the French nobles. The stage resounded with his applauses. Crowds followed his steps. Marie Antoinette, with her quick, enthusiastic spirit, joyed at his distinction. The council of state, the Parliament, the towns, the corporations mingled in the noble excitement. The Royal Treasury was assured support by patriotic offers of contributions, and then was formed the auxiliary army that was to bear succor to America.* This public enthusiasm triumphed over the hesitating reluctance of Maurepas, and the economical prudence of Necker. The army, placed under the command of the veteran Rochambeau, commended for his "steadiness, wisdom, ability and prudence," † a pupil of the Marshal de Belle Isle, distinguished in frequent service, was to be composed of six thousand troops. Among these shone forth the most brilliant of the nobility: The Marquis de Laval-Montmorency, afterwards a peer of France; Count de Caylus, only son to the Duke de Castries, who had succeeded Sartines in the marine department; Segur, son of the marquis, who had succeeded Montbarry as minister of war; the Count de Damas, who died a peer of France; the Duke de Lauzun, with his corps of cavalry, favored at the same time with the smiles of Catharine, Empress of Russia, and with those of the beautiful queen of France; the Marquis de Chastellux, grandson of the great chancellor, D'Aguesseau, a soldier and a scholar—the Count de Deuxponts—the Beauharnois, Viomenil.

The younger officers, full of classic thoughts, educated

* Louis XVI., by Capefigue. † Segur, i. 330.

at the college of Harcourt, recited the tragedy of Brutus as they mounted the sides of the king's ships commanded by the Chevalier Des Touches, with sails unfurled to assist in liberating the western world.

On the twenty-seventh of April, La Fayette announced his arrival at Boston and the coming fleet and army. Hamilton was overjoyed. The great measure which was to decide the contest, suggested by himself, was accomplished. His private letters and those written by him in behalf of the commander-in chief, all evince his quickened expectations, and his active energy. "You will participate in the joy I feel at the arrival of the Marquis de La Fayette," he wrote on the thirteenth of May, in behalf of Washington, to La Luzerne: "No event could have given me greater pleasure on a personal account, and motives of public utility conspire to make it agreeable. He will shortly have the honor to wait upon your excellency, and impart matters of the greatest moment to these States. He announces a fresh and striking instance of the friendship of your court, which cannot fail to contribute greatly to perpetuate the gratitude of this country."

To ensure energetic measures by Congress was the next thing to be done. Hamilton, the following day, wrote a private letter to Duane: "This will be handed to you by the marquis, who brings us very important intelligence. The general communicates the substance of it in a private letter to you, and proposes a measure which all deem essential. For God's sake, my dear sir, engage Congress to adopt it, and come to a speedy decision. We have not a moment to lose. Were we to improve every instant of the interval, we should have too little time for what we have to do. The expected succor may arrive in the beginning of June, it will not in all probability be later than the middle. In the last case, we have not a month to

make our preparations in, and in this short period we must collect men, form magazines, and do a thousand things of as much difficulty as importance. The propriety of the measure proposed is so obvious, that an hour ought to decide it, and if any new members are to come, they ought to set out instantly for head-quarters. Allow me, my dear sir, to give you a hint. The general will often be glad to consult the committee on particular points, but it will be inexpedient that he should be obliged to do it oftener than he thinks proper, or any peculiar case may require. Their powers should be formed accordingly. It is the essence of any military operations that they should be trusted to as few as possible. Again, my dear sir, I must entreat you to use the spur on the present occasion. The fate of America is, perhaps, suspended on the issue; if we are found unprepared, it must disgrace us in the eyes of all Europe, besides defeating the good intentions of our allies, and losing the happiest opportunity we ever had to save ourselves."

The private letter of Washington to Duane, drafted by Hamilton, is of a marked character: "The arrival of the Marquis de La Fayette opens a prospect which offers the most important advantages to these States, if proper measures are adopted to improve it. He announces an intention of his court to send a fleet and army to co-operate effectually with us. In the present state of our finances, and in the total emptiness of our magazines, a plan must be concerted to bring out the resources of the country with vigor and decision. This I think you will agree with me cannot be effected, if the measures to be taken should depend on the slow deliberations of a body so large as Congress, admitting the best disposition in every member to promote the objects in view. It appears to me of the greatest importance, and even of absolute

necessity, that a *small* committee should be immediately appointed to reside near head-quarters, vested with all the powers which Congress have, so far as respects the purpose of a full co-operation with the French fleet and army on the *continent*. Their authority should be plenipotentiary, to draw out men and supplies of every kind, and to give their sanction to any operations which the commander-in-chief may not think himself at liberty to undertake without it, as well beyond as within the limits of these States. This committee can act with dispatch and energy. By being on the spot they will be able to provide for exigencies as they arise, and the better to judge of their nature and urgency. The plans in contemplation may be opened to them with more freedom and confidence, than to a numerous body where secrecy is impossible, where the indiscretion of a single member, by disclosing, may defeat the project.

"I need not enlarge on the advantages of such a measure, as I flatter myself they will all occur to you, and that you will be ready to propose and give it all your support. The conjuncture is one of the most critical and important we have seen; all our prudence and exertions are requisite to give it a favorable issue; hesitancy and delay would, in all probability, ruin our affairs. Circumstanced as we are, the greatest good or the greatest ill must result. We shall probably fix the independence of America if we succeed; and, if we fail, the abilities of the State will have been so strained in the attempt, that a total relaxation and debility must ensue, and the worst is to be apprehended.

"These considerations should determine Congress to forego all inferior objects, and unite with mutual confidence in those measures which seem best calculated to insure success.

"There is no man who can be more useful as a member of the committee than General Schuyler. His perfect knowledge of the resources of the country, the activity of his temper, his fruitfulness of expedients, and his sound military sense, make me wish, above all things, he may be appointed. I have also a very favorable opinion of Mr. Mathews' understanding and integrity; and I should be willing to trust every thing to the goodness of the other's intentions, if I had not some doubts of his discretion. I wish the chancellor * or yourself could be in the appointment. A well-composed committee is of primary importance. I need not hint that the delicacy of these intimations fits them only for your private ear.

"The opinion I have of your friendship induces me thus freely and confidentially to impart my sentiments on the occasion, and I shall be very happy you may agree with me in judgment."

On the eighth of April previous, Schuyler wrote to Hamilton, with whom he was about to form an intimate relation: "You have been mentioned in private conversation to go as secretary to the embassy at the court of Versailles; there is but one obstacle which prevents me making my mind up on the subject; that you will know when I have the pleasure to see you. In the mean time revolve the matter in yours. The pride, the folly, and perhaps, too, the wickedness of some on a certain floor, combine to frustrate every intention to promote the public weal, and relieve my amiable chief from his well-grounded anxiety. The few that feel for him and are alarmed at the critical state of our public affairs, in every department, within as well as without, have not been able to carry a measure which they believed would have had salutary consequences. They have now proposed that a

* Livingston.

committee should repair to head-quarters, invested conjointly with the general with a kind of dictatorial power, in order to afford satisfaction to the army, and to arrange the great departments thereof. Livingston, Elsworth and Mathews, are appointed to prepare instructions. Some good may result, if gentlemen who love the general, are not jealous of the army, and of a generous turn, are sent." Four days after, instructions were passed for the government of the committee. Its powers were far short of those suggested in the letter of Hamilton. They were limited to a correction of existing defects in the army system. Schuyler, Mathews of South Carolina, and Peabody of New Hampshire constituted it.

The expectations of France extended to the conquest by the Americans of Nova Scotia and of the Canadas. The latter was the favorite object of La Fayette, who could not forget the mortification he had suffered from the cabal.

Hamilton wrote him, in behalf of Washington: "I impatiently wait, my dear marquis, to know the result of the arrangements you were to make with Congress. The time glides away so fast, and we have so little before us, that every moment is infinitely precious and ought to be improved. We talked of a proclamation to the Canadians. If it is not already done, I think it ought not to be delayed. It should be in your name, and have as much as possible an air of probability. Perhaps it will be plausible to have two different kinds made; one intimating to them the arrival of a French fleet and army in the River St. Lawrence, to co-operate by way of Rhode Island, where, to answer some important purposes, they are to touch, and dwelling on the happy opportunity it will afford them to renew their ancient friendship with France, by joining the allied arms, and assisting to make

Canada a part of the American confederation, with all the privileges and advantages enjoyed by the other members; cautioning them by no means to aid the enemy in their preparations for defending the province. The other proclamation should be drawn, on the supposition of the fleet and army being already arrived, and should contain an animating invitation to arrange themselves under the allied banners."

A proclamation, as suggested, was issued by La Fayette.

If this project were relinquished, and indeed there was little expectation of its being attempted, the effect of a demonstration in that direction might be to induce a removal of the British forces from the United States, or of such a detachment as would enable an attack to be made upon New York—England, alarmed for the safety of her provinces, having ordered reinforcements to those provinces.

Hamilton at the same time wrote, for Washington, to the Chevalier des Touches, indicating in a most delicate manner what he regarded as the most advantageous employment of his naval force.

Two days after the letter to Duane, Hamilton, in behalf of the commander-in-chief, apprised Rutledge, Governor of South Carolina, of the expected co-operation of a French army. The object of the letter was, that this intelligence should reach, through a spy, the besieging army, "so as to precipitate their measures to an unfavorable issue, or make them relinquish the siege, and, in one way or the other, save the town." "A failure of this attempt will have the greatest influence to the prejudice of the affairs of England. I congratulate you on this new instance of the friendship of our ally. The part the court of France has acted is truly politic and magnanimous, and

has a claim to the lasting affection of this country." He also communicated the promised succor confidentially to Governor Clinton, urged him to prolong the session of the legislature of New York, and directed him to withdraw the garrison from Fort Schuyler, composed of continentals, substituting other troops, to have them in readiness for any measure of co-operation.

A few days after, Schuyler having communicated the powers vested in the committee of co-operation to General Greene, the latter immediately wrote to Washington. He advised him to inquire of the committee as to the competency of their powers,—"whether they can give you such support as will warrant your engaging in a co-operation with the French forces for the reduction of New York." As the powers were insufficient, he suggested to him "to state to Congress the defects of the present plan, and the plan necessary for the business." In a letter drafted by Hamilton,* Washington called upon the committee "to point out the alterations and additions necessary to render them adequate to the emergency."

The next day, a very earnest letter was addressed to this committee by Washington written by Hamilton:

"I have attentively considered the circular letter to the different States which you did me the honor to communicate for my perusal, and I am happy to find, that my ideas perfectly correspond with those of the committee.

"The view they have given of our situation is just, full and explicit; the measures they have recommended are well adapted to the emergency and of indispensable necessity. I very freely give it as my opinion, that unless they are carried into execution in the fullest extent and with the greatest decision and rapidity, it will be impossi-

* May 24.

ble for us to undertake the intended co-operation with any reasonable prospect of success.

"The consequences you have well delineated. The succor designed for our benefit will prove a serious misfortune; and instead of rescuing us from the embarrassments we experience, and from the danger with which we are threatened, will in all probability precipitate our ruin. Drained and weakened as we already are, the exertions we shall make, though they may be too imperfect to secure success, will at any rate be such as to leave us in a state of relaxation and debility, from which it will be difficult if not impracticable to recover—the country exhausted—the people dispirited—the consequence and reputation of these States in Europe sunk—our friends chagrined and discouraged—our enemies deriving new confidence, new resources.

"We have not, nor ought we to wish, an alternative. The court of France has done so much for us, that we must make a decisive effort on our part. Our situation demands it—'tis expected. We have the means to success without some unforeseen accident, and it only remains to employ them; but the conjuncture requires all our wisdom and all our energy. Such is the present state of this country, that the utmost exertion of its resources, though equal, is not more than equal to the object, and our measures must be so taken as to call them into immediate and full effect.

"There is only one thing,—I should have been happy the committee had thought proper to take up on a larger scale. I mean the supply of men by draft. Instead of completing deficiencies of the quotas assigned by the resolution of Congress of the 9th of February last, it would, in my apprehension, be of the greatest importance, that the respective States should fill their battalions to their

complement of five hundred and four rank and file. Considering the different possible dispositions of the enemy, and the different possible operations on our part, we ought not to have less than twenty thousand continental efficient troops. The whole number of battalions from New Hampshire to Pennsylvania inclusive, if complete would not amount to this force. The total would be twenty-three thousand one hundred and eighty-four rank and file, from which the customary deductions being made, there will not remain more than about eighteen thousand fit for the service of the field. To this may be added the remainder of the sixteen regiments, amounting to about one thousand.

"Unless the principal part of the force be composed of men regularly organized, and on the continuance of whose services we can rely, nothing decisive can be attempted. The militia are too precarious a dependence to justify such an attempt, when they form a material part of the plan."

This letter was followed by another, also from Hamilton's pen, urging the committee "to call immediately upon the States for specific aids of men, provisions, forage, and the means of transportation."

Estimating the force of the enemy at New York at seventeen thousand five hundred men, a total of forty thousand, including the five thousand French, was pronounced necessary. These, it was advised, should be required with the adequate supplies by the last of June — to be kept up until the first of November. "This brings the business to a point. The States must either give us what we want in the time required, or manifest their inability to do it, and we can take our measures accordingly."

General Greene wrote at this time to Reed, recently chosen president of Pennsylvania: "Let it suffice to say that the army has not four days' provision of meat in the

world, neither have the States nor the continental agents any in prospect, unless it can be had from the State of Pennsylvania. Much fault is found by a southern gentleman with your State, for want of proper exertions to save the army: It seems to be the intention of some here, to fix the greater part of the blame, if any misfortune attends us, upon your State: We cannot hold together many days in the present temper of the army, should there be a want of provisions. The great man is confounded at his situation, but appears to be reserved and silent. I write you in the fullest confidence that you will not let the least hint drop from you of the information I give, as it may prove ruinous to me. I have difficulties enough, God knows, without adding to them."

Hamilton soon after addressed a very earnest letter in Washington's name to Reed, interesting in a twofold aspect, the exhibition of the general's feelings to that officer, and as taking an enlarged, comprehensive view of the resources of the enemy and of those of France and Spain.

Reed supposed an alienation on the part of Washington. Two months before* he wrote to Gates intimating that he might induce a reconciliation between him and the commander-in-chief. "But," he observed, "it is one of those points which cannot well be meddled with in writing, especially with one of so much reserve and caution. I am far from enjoying that share of confidence in a certain quarter which I once possessed. Distance, different pursuits, and a certain coldness or apathy of mind will naturally diminish attachments which had not a common bond of blood, marriage or interest, to keep them together." He consoled him with a comment upon the in-

* March 4, 1780. Note.—Washington and Reed.

fluence of envy, and with an assurance of the approbation of posterity.

The letter written for Washington by Hamilton, on the contrary, closes with an assurance, which would not have been made, if it had not been felt, "of esteem and regard." The truth had not yet been unveiled.

"I am much obliged to you for your favor of the twenty-third. Nothing could be more necessary than the aid given by your State towards supplying us with provisions. I assure you, every idea you can form of our distresses will fall short of the reality. There is such a combination of circumstances to exhaust the patience of the soldiery, that it begins at length to be worn out, and we see in every line of the army the most serious features of mutiny and sedition. All our departments, all our operations are at a stand, and unless a system very different from that which has for a long time prevailed, be immediately adopted throughout these States, our affairs must soon become desperate beyond the possibility of recovery. If you were on the spot, my dear sir, if you could see what difficulties surround us on every side, how unable we are to administer to the most ordinary calls of the service, you would be convinced that these expressions are not too strong, and that we have every thing to dread. Indeed I have almost ceased to hope. The country in general is in such a state of insensibility, and indifference to its interests, that I dare not flatter myself with any change for the better.

"The committee of Congress in their late address to the several States have given a just picture of our situation. I very much doubt its making the desired impression, and if it does not, I shall consider our lethargy as incurable. The present juncture is so interesting, that if it does not produce correspondent exertions, it will be a proof that

motives of honor, public good, and even self-preservation, have lost their influence upon our minds. This is a decisive moment, one of the most, I will go farther and say, *the* most important America has seen. The court of France has made a glorious effort for our deliverance; and if we disappoint its intentions by our supineness, we must become contemptible in the eyes of all mankind; nor can we, after that, venture to confide, that our allies will persist in an attempt to establish what it will appear we want inclination or ability to assist them in.

"Every view of our own circumstances ought to determine us to the most vigorous efforts; but there are considerations of another kind that should have equal weight. The combined fleets of France and Spain last year were greatly superior to those of the enemy. The enemy, nevertheless, sustained no material damage, and at the close of the campaign have given a very important blow to our allies. This campaign, the difference between the fleets, from every account I have been able to collect, will be inconsiderable, indeed it is far from clear that there will not be an equality. What are we to expect will be the case if there should be another campaign? In all probability the advantage will be on the side of the English, and then what will become of America? We ought not to deceive ourselves. The maritime resources of Great Britain are more substantial and real than those of France and Spain united. Her commerce is more extensive than that of both her rivals, and it is an axiom that the nation which has the most extensive commerce will always have the most powerful marine. Were this argument less convincing, the fact speaks for itself. Her progress in the course of the last year is an incontestable truth.

"It is true, France in a manner created a fleet in a very

short space, and this may mislead us in the judgment we form of her naval abilities, but if they bore any comparison with those of Great Britain, how comes it to pass, that with all the force of Spain added, she lost so much ground in so short a time, as now to have scarcely a superiority. We should consider what was done by France as a violent and unnatural effort of the government, which, for want of a sufficient foundation, cannot continue to operate proportionable effects.

"In modern wars the longest purse must chiefly determine the event. I fear that of the enemy will be found to be so. Though the government is deeply in debt and of course poor, the nation is rich, and their riches afford a fund which will not be easily exhausted; besides, their system of public credit is such, that it is capable of greater exertions than that of any other nation. Speculators have been a long time foretelling its downfall, but we see no symptoms of the catastrophe being very near. I am persuaded it will at least last out the war, and then, in the opinion of many of the best politicians, it will be a national advantage. If the war should terminate successfully the crown will have acquired such influence and power that it may attempt any thing, and a bankruptcy will probably be made the ladder to climb to absolute authority. Administration may perhaps wish to drive matters to this issue. At any rate they will not be restrained by an apprehension of it from forcing the resources of the state. It will promote their present purposes, on which their all is at stake, and it may pave the way to triumph more effectually over the constitution.

"With this disposition, I have no doubt that ample means will be found to prosecute the war with the greatest vigor.

"France is in a very different position. The abilities

of her present financier have done wonders. By a wise administration of the revenues, aided by advantageous loans, he has avoided the necessity of additional taxes. But I am well informed, if the war continues another campaign, he will be obliged to have recourse to the taxes usual in time of war, which are very heavy, and which the people of France are not in a condition to endure for any duration. When this necessity commences, France makes war on ruinous terms. And England, from her individual wealth, will find much greater facility in supplying her exigencies. Spain derives great wealth from her mines, but not so great as is generally imagined. Of late years, the profit to government is essentially diminished. Commerce and industry are the best mines of a nation; both which are wanting to her. I am told her treasury is far from being so well filled as we have flattered ourselves. She is also much divided on the propriety of the war—there is a strong party against it. The temper of the nation is too sluggish to admit of great exertions, and though the courts of the two kingdoms are closely linked together, there never has been, in any of their wars, a perfect harmony of measures; nor has it been the case in this; which has already been no small detriment to the common cause.

"I mention these things to show, that the circumstances of our allies as well as our own call for peace, to obtain which we must make one great effort this campaign. The present instance of the friendship of the court of France is attended with every circumstance that can render it important and agreeable—that can interest our gratitude or fire our emulation. If we do our duty, we may even hope to make the campaign decisive on this continent. But we must do our duty in earnest, or disgrace and ruin will attend us. I am sincere in declaring

a full persuasion, that the succor will be fatal to us if our measures are 'not adequate to the emergency.' Now, my dear sir, I must observe to you, that much will depend on the State of Pennsylvania. She has it in her power to contribute without comparison more to our success than any other State, in the two essential articles of flour and transportation. New York, Jersey, Pennsylvania and Maryland are our flour countries. Virginia went little on this article the last crop, and her resources are called for to the southward. New York, by legislative coercion, has already given all she could spare for the use of the army. Her inhabitants are left with scarcely a sufficiency for their own subsistence. Jersey, from being so long the place of the army's residence, is equally exhausted. Maryland has made great exertions, but she can still do something more. Delaware may contribute handsomely in some proportion to her extent. But Pennsylvania is our chief dependence. From every information I can obtain, she is at this time full of flour. I speak to you in the language of frankness and as a friend. I do not mean to make any insinuations unfavorable to the State. I am aware of the embarrassments the government labors under from the open opposition of the one party, and the underhand intrigues of another. I know that, with the best dispositions to promote the public service, you have been obliged to move with circumspection. But this is a time to hazard, and to take a tone of energy and decision. All parties, but the disaffected, will acquiesce in the necessity and give their support. The hopes and fears of the people at large may be acted upon in such a manner as to make them approve and second your views. The matter is reduced to a point. Either Pennsylvania must give us all the aid we ask of her, or we can undertake nothing. We must renounce every idea of co-

operation—and must confess to our allies that we look wholly to them for our safety. This will be a state of humiliation and littleness against which the feelings of every good American ought to revolt. Yours, I am convinced, will—nor have I the least doubt that you will employ all your influence to animate the legislature and the people at large. The fate of these States hangs upon it. God grant we may be properly impressed with the consequences.

"I wish the legislature could be engaged to vest the executive with plenipotentiary powers. I should then expect every thing practicable from your abilities and zeal. This is not a time for formality or ceremony. The crisis in every point of view is extraordinary, and extraordinary expedients are necessary. I am decided in this opinion.

"I am happy to hear that you have a prospect of complying with the requisitions of Congress for specific supplies—that the spirit of the city and State seems to revive, and the warmth of party decline. These are good omens of our success—perhaps this is the proper period to unite.

"I am obliged to you for the renewal of your assurances of personal regard, my sentiments for you, you are so well acquainted with, as to make it unnecessary to tell you with how much esteem and regard I am," &c.

Three days after, Hamilton apprised Governor Trumbull of the approach of Sir Henry Clinton from Charleston, urging supplies from Connecticut: "Flushed with his success there, and tempted by the present position of our affairs, it will be extraordinary if he does not immediately aim a blow at West Point. If he does, we have every thing to apprehend from the total want of provision in the garrison, which has been for some time on half allowance."

Under this apprehension, he earnestly cautioned its

commander to vigilance, directing him to impress the cattle in his neighborhood in order to save his salted provision.

The distresses here pictured produced the apprehended effect. Two regiments of Connecticut troops revolted, but were immediately reduced to subjection. In the hope that this insubordination would extend, Knyphausen, the sixth of June, crossed into New Jersey, and the next day marched towards Springfield, burning a small village on his route, a wanton act of barbarity, worthy of Tryon, who accompanied him.

Maxwell, with the Jersey brigade and some militia of the neighborhood, immediately took a strong position at that town. Washington, learning the movement of the enemy, hastened to his assistance with his whole force, less than four thousand men.

Hamilton wrote to Steuben: "I am commanded by the general to inform you, that the enemy are out in considerable force; and by the last advices were advancing this way. We are going to meet them." Hamilton went forward to reconnoitre. He wrote to Washington the next day: "I have seen the enemy. Those in view I calculate at about three thousand: there may be, and probably enough are, others out of sight." Stating their retrograde movement towards Staten Island, he remarked: "Different conjectures may be made. The present movement may be calculated to draw us down and betray us into an action. They may have desisted from their intention of passing till night, for fear of our falling upon their rear. I believe this is the case, for as they have but few boats, it would certainly be a delicate manœuvre to cross in our face. We are taking measures to watch their motions to-night as closely as possible. An incessant but very *light* skirmishing. Very few boats, not

more than enough to carry three or four hundred men at a time. It is likely more will come down this evening."

Knyphausen, not willing to make battle on so strong ground, retired in the night to Elizabethtown.

This movement, and the danger of the Highland posts prompted a letter from Hamilton, in Washington's behalf, on the eleventh of June, from Springfield, to the committee of co-operation, disclosing his fears: "The most disastrous consequences are to be apprehended. You, who are well acquainted with our situation, need no arguments to evince the danger. The militia of this State have run to arms, and behaved with an ardor and spirit of which there are few examples. But perseverance in enduring the rigors of military service, is not to be expected from those who are not by profession obliged to it. The reverse of this opinion has been a great misfortune in our affairs, and it is high time we should recover from an error of so pernicious a nature. We must absolutely have a force of a different composition, or we must relinquish the contest." Sir Henry Clinton now arrived at New York, and with a view to divide the American force, an attack upon West Point was threatened. Leaving two brigades with Greene together with the Jersey militia under an order framed by Hamilton, Washington moved slowly towards Pompton, and reached Rockaway bridge. The enemy, learning this division of his force, pushed rapidly for Springfield, which he burned, having encountered an obstinate resistance by Greene, "baffled and almost beaten," as Hamilton wrote, "by a general without an army—aided, or rather embarrassed by small fugitive bodies of volunteer militia, the mimicry of soldiership."

Hamilton, as they were advancing, in the name of Washington, again addressed the committee of co-operation, whose powers had been enlarged. "The enemy are

now in full force, bending their march towards Morris town, and by my last advices had advanced beyond Springfield. They were vigorously opposed by our advanced corps; but what could the valor of a handful do against so infinite a superiority of numbers. The enemy can effect almost any particular object they may attempt." He urged a removal of the stores beyond their reach, and remarked: "We do not know what may be the ultimate designs of the enemy. All we know is, that they are very strong and that we are very weak. I beg leave to recommend that the States may be again called upon to redouble their exertions to comply with the demands that have been already made upon them. It is essential to our immediate safety, to say nothing of the expected co-operation. If she means to be free, this is the moment for America to exert herself."

To guard against a surprise, he immediately wrote in Washington's name to General Howe in command at West Point, to take all necessary precautions, and at the same time, in a private letter to Steuben, then at that place, conveyed to him the general's desire that he would remain there to give his "advice and assistance to the commanding officer."

The firm conduct of Greene and the activity of the Americans, had determined the enemy to retire to New York, not willing to penetrate farther at the moment of the expected arrival of the expedition from France, of which, though supposed to be a secret, they had received advices.

Letters were immediately after addressed by Hamilton in behalf of Washington to the chief officers of several States. "This is the time," he wrote Weare of New Hampshire, "for America, by one great exertion, to put an end to the war, but for this purpose every necessary

means must be furnished. The basis of every thing else is the completion of the continental battalions to their full establishment. If this is not done, I think it my duty to forewarn every State that nothing decisive can be attempted, and that this campaign, like all the former, must be chiefly defensive." Stark was sent there to collect and forward the drafts of men and the three months' levies. Orders were also issued to the principal officers of the army to expedite these measures.

In this moment of extreme anxiety, part of the hoped succor from France arrived on the American coast.

Hamilton, in the name of Washington, wrote on the thirteenth of July to the committee of Congress: "It cannot be too much lamented that our preparations are still so greatly behindhand. Not a thousand men that I have heard of have yet joined the army. After what had been preconcerted with the honorable the Congress, after two months' previous notice of the intended succors, if our allies find us unprepared, and obliged to wait several weeks in a state of inaction, it is easy to conceive how unfavorable the impression it will make of our conduct. Besides this, the season is exceedingly advanced. A decisive enterprise, if our means are equal to it, will not permit us to lose a moment of the time left for military operations; which, if improved with all the vigor in our power, is less than were to be wished for in an undertaking of so arduous and important a nature. So much is at stake—so much to be hoped—so much to be lost—that we shall be inexcusable if we do not employ all our zeal and all our exertion."

Advices from General Heath announced the arrival of the French fleet off New Port on the tenth of July. This intelligence was communicated to Congress in a brief note from Hamilton's pen, enclosing a plan of co-

operation which had been framed in conjunction with Steuben. It contemplated the employment of forty thousand men for the reduction of New York. With this view he wrote at the same time to Greene, and the next day to Governor Trumbull, and to General Knox, desiring him to bring forward "all the cannon and stores necessary for a siege." The day after he communicated the adherence to this purpose to La Fayette.

On the same day, he wrote, in the name of the commander-in-chief, gratulatory letters to General Rochambeau and the Chevalier De Ternay, commander of the French squadron, embracing in his regards the officers and the men of both services. Nothing could be written of a more winning character.*

Two days after, on the eighteenth of July, he earnestly expostulated, in the name of his chief, with the Board of War, on the want of preparation. "If," he wrote, "after all we can do, we have not the necessary means to answer the public hopes, I hope the public will be too just to attribute to me the disgrace and injury that must follow. I shall do every thing in my power, and I flatter myself the Board will do every thing in theirs."

Four days after, he wrote to Congress in Washington's behalf: "I think it my duty to add, that, pressed on all sides by a choice of difficulties, in a moment which re-

* The drafts of all the letters to Rochambeau, while Hamilton was in Washington's family, are remaining in his hand. In his memoirs, tom. i. 248, Rochambeau observes of Washington: "During a long correspondence between us, I could never too highly praise the solidity of his judgment and the amenity of his style." Chastellux remarks, i. 372, of Hamilton, "His correspondence with the French, which language he speaks and writes perfectly well, the details of every kind, political and military, intrusted to him, developed those talents the General had known how to discover and put into activity, whilst the young soldier, by a prudence and secrecy still more beyond his age than his information, justified the confidence with which he was honored," &c.

quired decision, I have adopted that line of conduct which suited the dignity and faith of Congress, the reputation of these States, and the honor of our arms. I have sent definitive proposals of co-operation to the French general and admiral. Neither the season, nor a regard to decency, would permit delay. The die is cast, and it remains with the States, either to fulfil their engagements, preserve their credit, and support their independence, or to involve us in disgrace and defeat. If we fail for want of proper exertions in any of the governments, I trust the responsibility will fall where it ought, and that I shall stand justified to Congress, to my country, and to the world."

Sir Henry Clinton having embarked a large body of troops, advices were immediately given to Rochambeau; and Washington moved his force to Peekskill. Hamilton in his behalf, announced to Congress this movement on the third of August, stating: "Had Sir Henry prosecuted what appeared to be his design, my intention was to attempt New York in his absence. Our preparations were made for this purpose when I received advice that the fleet returned towards New York." He announced his intention to move down the Hudson with a view to the intended joint attack upon New York. It was thought essential to this object that a larger naval force should arrive from France to compete with the increased naval force of England; and that the promised second division of troops should also be at hand. "Should not the second division arrive," Hamilton wrote the same day to La Fayette in the name of Washington, "so as to enable us to commence our operations by the first of September, I shall have no great expectation of effecting the object. When we calculated on having twice the force of the enemy, we included the whole succor expected from France. It will be difficult, if not impracticable, to ac-

complish this before the second division arrives. The number of men hitherto come in, rather falls short of than exceeds our calculations."

Letters were now addressed by Hamilton to Rochambeau and La Luzerne, indicating the place proposed for the debarkation of the second division of the French army, daily expected, but which never came. Orders were at the same time again issued for the impressment of various necessaries for the army. It became also necessary to restrain the impetuosity of La Fayette, eager to employ the French army, which was done by Hamilton in Washington's name. To satisfy the public mind, he at this time published a brief statement of the causes of the abandonment of the projected attack upon New York, which the movements of the army had indicated.

CHAPTER XXI.

At these interesting moments serious difficulties had arisen within the army itself. General Greene, in seventy-eight, as has been stated, assumed the duties of quarter-master-general, declining any additional emolument. The embarrassments attending the performance of this arduous office, resulting from the state of the finances, were such, that after the experience of a year he asked to resign it. Congress were neither disposed to grant his request, nor to amend the system. He informed Washington that unless this were done, he would not remain long. "I will not sacrifice my reputation for any consideration whatever. I engaged in the business as well out of compassion to your excellency, as from a regard to the public." These motives influenced him to continue in this service, still holding his rank in the line. With the increasing financial disorders his difficulties increased, and it became obvious to him, that unless the control of this department were withdrawn from Congress and committed to the commander-in-chief, the public interests must suffer, and his reputation be injured. The vast expenditures made by him, and the inadequacy of the supply of means by the Board of Treasury, had produced mutual complaints.

A new organization of the department was proposed

in Congress. Its action, urgent as were the motives to promptitude, was slow. Another year elapsed, and no remedy was provided. Again Greene wrote to Washington: "From every new conversation which I have with your excellency upon the business of the quartermaster's department, I am more and more convinced that you are in a great measure a stranger to the difficulties and embarrassments attending it, as well as to the mortification, risk and injury those are exposed to who engage in it." "When the public holds up to view neither the face of friendship nor the prospects of reputation, but on the contrary adds insult to injury, and creates new and unnecessary difficulties, few men would be willing to tread the path where so little is to be gained and so much may be lost." Still looking to a change of system, he adds, "I shall be happy to render every service in my power to promote the proposed plan of operations, notwithstanding the injuries I feel, providing they are not accompanied with circumstances of personal indignity. As to pay, I shall ask none more than my family expenses, and all the conditions I shall ask, are, to have my command in the line of the army agreeable to my rank, and to be secured from any loss in the settlement of the public accounts."

While Congress were debating, the committee of co-operation at camp, where the experience of Greene and Schuyler was in concert, digested a system which was submitted to Congress. Unwilling to part with the control of this department, they rejected it and formed a plan of their own. While this matter was pending, the conduct of the Board of Treasury was deeply wounding to Greene, causing the excitement his letters exhibit. He prepared a comment, which he submitted to Hamilton, from whom he received this judicious letter:

"My dear General,—When you ask my opinion as a

friend, I must always act the part of a true friend, however frequently the advice I give may happen to clash with your feelings, justly irritated by injuries which you have not merited. Considering the Board of Treasury as so many individuals, the complexion of their letter to you would abundantly justify the asperity of your reply; but considering them as a public body, one of the first in the state, policy pronounces it to be too great. We are entered deeply in a contest on which our all depends. We must endeavor to rub through it, sometimes even at the expense of our feelings. The treasury will always be essential to your department. The Board conducting it will necessarily have no small influence. You may continue at the head of the department. I should think it imprudent to push differences to extremity, or to convert the airs of official consequence and the temporary work of popular prejudice into rooted personal resentments. This appears to me to be the tendency of the present letter. The Board, from the necessity of our affairs, may sue for peace, but they will hate you for the humiliation you bring upon them; and they may have it in their power to embarrass your operations. I would have you show a sensibility of injury, but I would wish you to do it in milder terms."

Greene, convinced that the plan of Congress would inevitably involve most injurious consequences to the service, weary of the harassing duties of his office, and with a keen, just value of his own reputation, resolved to resign. Washington in vain urged him to suspend his purpose. He had taken his decision, and addressed a letter to Congress announcing his resignation. In this letter he expressly stated his "intention, long since communicated to the commander-in-chief and the committee, to continue to exercise the office during the active part of

the campaign, provided matters were left on such a footing as to enable him to conduct the business to satisfaction." He then pointed out the impossibility of performing its duties, commenting upon the impolicy of the new and untried system. Congress were deeply offended with the freedom of his observations, and an intimation was given to Washington of an intention to suspend him from his command in the line. Washington immediately replied: "Let me beseech you to consider well what you are about before you resolve. A procedure of this kind must touch the feelings of every officer. It will show in a conspicuous point of view the uncertain tenure by which they hold their commissions. In a word, it will exhibit such a specimen of power, that I question much if there is an officer in the whole line, that will hold a commission beyond the end of the campaign, if he does till then. Such an act in the most despotic government would be attended at least with loud complaints." Happily for this country, the violent wrong to this meritorious soldier was not perpetrated. A question of military etiquette or rather right was also a cause of embarrassment. Colonel McPherson, an officer of merit, though not free from exception, was appointed to the command of a corps detached from the Pennsylvania line. The officers of that line threatened to resign. They were dissuaded by a large examination and distinct assertion of the right of thus selecting an officer to the command of a detachment, drawn up by Hamilton in behalf of the commander-in-chief, with a full sense of the importance of the question, and not without regard to his own rights, to be asserted in certain contingencies.* A correction of "the many abuses absolutely contrary to the military constitution still existing in the army" had also frequently pressed upon

* Aug. 10. To Generals Wayne and Irvine.

his attention. With this view he drew up a paper entitled "Military Regulations," which he submitted to the commander-in-chief. They are of a very stringent and effective character, and well adapted to the purposes in view.*

The recruits for the army came in very slowly. Hamilton, in the name of Washington, addressed to the committee of co-operation on the seventeenth of August a detailed statement, showing the large deficiency of troops, the continental battalions falling short more than ten thousand men, and the militia called for, nearly four thousand. The deficit in the supply of provisions, forage and means of transportation had again compelled impressments. "In this state of things," it was added, "I leave it to your own judgment to determine how little it will be in my power to answer the public expectation, unless more competent means can be and are without delay put into my hands." As a motive to exertion, the probable arrival of the second division of the French army is adverted to, and a call upon the several States is urged.

This communication was enclosed to Congress in a very earnest and graphic letter on the twentieth of August, reviewing the effects produced by the want of a permanent army on the past military operations, and upon the finances, increasing the disbursements, discouraging supplies, and protracting the war. "Had we kept a permanent army on foot, the enemy could have had nothing to hope for, and would in all probability have listened to terms long since."

The fact is stated, that on the first day of the coming year half the present force would dissolve. "The shadow of an army that will remain, will have every motive, except patriotism, to abandon the service, without the hope which has hitherto supported them, of a change for the

* Hamilton's Works, ii. 176.

better. To me it will appear miraculous, if our affairs can maintain themselves much longer in their present train. If either the temper or the resources of the country will not admit of an alteration, we may expect soon to be reduced to the humiliating condition of seeing the cause of America, in America, upheld by foreign arms. The generosity of our allies has a claim to all our confidence and all our gratitude, but it is neither for the honor of America, nor for the interest of the common cause, to leave the work entirely to them."

From a domestic review, he passed to a rapid consideration of the condition of foreign affairs similar to that recently addressed to Reed. As to the enemy, he observed: "Their finances are distressed, they have a heavy debt, and are obliged to borrow money at an excessive interest; but they have great individual wealth, and while they can pay the interest of what they borrow, they will not want credit, nor will they fear to stretch it." A national bankruptcy would not necessarily induce them to give up the contest.

As to Ireland, he thought a politic course would "keep matters from going to extremity. In England, it is much to be feared that the overbearing influence of the Crown will triumph over the opposition to it, and that the next parliament will be as obsequious as the last. The general disposition of Europe is such as we could wish, but we have no security that it will remain so. The politics of princes are fluctuating, often more guided by a particular prejudice, whim or interest, than by extensive views of policy. The change or caprice of a single minister is capable of altering the whole system of Europe. But admitting the different courts at this time ever so well fixed in their principles, the death of one of their sovereigns may happen, and the whole face of things be reversed." Three of them were at an advanced age.

"The inference from these reflections is, that we cannot count upon a speedy end to the war, and that it is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistency and solidity to our measures. An essential step to this will be immediately to devise a plan and put it into execution, for providing men in time to replace those who will leave us at the end of the year, and for subsisting the officers and soldiers, and making them a reasonable allowance. The plan for this purpose ought to be of general operation, and such as will execute itself. Experience has shown, that a peremptory draft will be the only effectual one. If a draft for the war or for three years can be effected, it ought to be made on every account. A shorter period than a year is inadmissible." The belief was expressed, "that a draft for the war or for three years would succeed."

Another measure to be accomplished was "a more ample and equal provision for the army," as an act of justice and of policy. "The dissolution of the army is an event that cannot be regarded with indifference. It would bring accumulated distresses upon us: it would throw the people of America into general consternation; it would discredit our cause throughout the world; it would shock our allies." This valuable communication closes with an admonition of the importance "that every matter which relates to the army should be under the direction of Congress." "I might easily show, that a different course has a direct tendency to enfeeble our civil Union by making us thirteen armies instead of one, and by attaching the troops of each State to that State, rather than to the United States. The effects of this spirit begin to be visible."

In respect to the Southern States, it was suggested,

that magazines should be formed for a force of eight thousand troops. "If possible, this force should be kept up and supplied in any case, while the enemy remain there with their present strength."

On the same day Hamilton wrote a note to Colonel Biddle, ordered to impress supplies, "not officially, but as a friend," which is a pleasing exhibition of his nature. It was in behalf of a person who, he said, by his "attachment to the cause and his sufferings has a claim to all the indulgence we can show him with consistency." "If you can manage to spare him without incurring the charge of partiality, you will have the pleasure of doing an act of humanity. I know the necessities of the army must ultimately control every other consideration, and it may become unavoidable to take his hay, but from his position, it may not be bad policy to let him be the last devoured. This may give him a chance to escape."

The ascertained views of France and Spain indicated a probable demand for an exertion of the force of the United States beyond their limits. This subject had come under the consideration of Congress a short time before the date of this letter, on a proposition to give the commander-in-chief commensurate power. A vote was taken, and though the chief motive was to make a diversion in favor of the most Southern States, Maryland and both the Carolinas were against the proposition, and Georgia was divided. All the other States, except the votes of two delegates, were in its favor—so jealous was the temper of the States of the South.

This subject came up directly in a plan, which was digested, of the mode of an attack upon New York by the allied forces. The draft of this plan in much detail is in Hamilton's hand. In case delays should prevent this concerted attack, he suggested a joint expedition against

Charleston, Savannah, and St. Augustine, thus to free from their domination all the British possessions on the south-Atlantic coast. If, for want of a naval superiority, neither New York nor Charleston should be attempted, an expedition into Canada was proposed of five thousand troops, one half French. To engage him in the enterprise, Rochambeau was to be the chief, Greene to command the Americans, and La Fayette at the head of the light infantry, under him.

"I do not think," Hamilton observes, "the commander-in-chief should go, for two reasons—the one already mentioned respecting Rochambeau, and the general situation of the country, which requires his presence and influence within the States—for in the present crisis there is no saying what may happen, and Congress stand in need of support." He proposed as the first object of this expedition the capture of Quebec. "Till the capital is carried, I think nothing done. Perhaps we may be able to carry it by assault." The requisite specie, he suggested, would be obtained by a loan from Rochambeau in exchange for flour to be delivered from time to time. He adds—"We should endeavor at all events to get the count to send the fleet to Boston and come with the army this way; at least this should be done, as the winter approaches. It will have many advantages; it will prevent the enemy detaching from New York to push their advantages in the Southern States; it will enable us to take advantage of their faults. It will prevent the evils we have to apprehend from the diminution of our army in the winter. It will enable us to detach to the southward, if we should find it necessary. Should the Canadian expedition take place, the remainder of the troops should by all means join us."

The mode of the attack upon New York was commu-

nicated to Rochambeau in a letter written for Washington by Hamilton. Advices were at this time received of the blockade of the port of Brest, which prevented the sailing of the second division of the French army. This changed the aspect of affairs, and rendered the proposed attack an improbable event. A principal part of the militia called out for the occasion was dismissed; and a council of war was convened, who concurred in the opinion as to the impracticability of the attempt. This purpose was reluctantly relinquished. Information was at this moment received that a French fleet under the command of De Guichen was approaching the American coast. Hamilton, over the signature of Washington, immediately addressed a letter to that officer, which was enclosed to the French minister to be transmitted in cipher. This letter, of the twelfth of September, urged upon him a detachment from his fleet; and stated, in most frank and emphatic terms, the situation of affairs,—the blockade of the French fleet at Rhode Island, and the detention there of the French army for its protection—the exhausted condition of the United States—the conquest of South Carolina and Georgia.

"I write to you," it is observed, "with that confidence and candor which ought to subsist between allies and between military men. In my eye, the interests of France and America are the same, and to conceal our embarrassments would be to betray both. To propose at this time a plan of precise co-operation would be fruitless. I shall only observe, in general, that any succor you can send in consequence of this letter must arrive too late for an enterprise against New York; but an unequivocal naval superiority would, I hope, enable us to act decisively in the southern extremity. The twentieth instant is appointed for an interview with Count De Rochambeau and

the Chevalier De Ternay, in which we shall probably combine several plans, dependent for their execution on different contingencies. One of these will be the arrival of a detachment from your fleet."

Having, in a brief letter from the pen of Hamilton, given instructions to Greene, to whom the command of the army in his absence was confided, Washington on the eighteenth of September proceeded with La Fayette, Hamilton, and another aid, McHenry, to meet the count and admiral at Hartford.

This conference took place on the twenty-second of September. From a minute of it, in Hamilton's hand, it appears, that it was agreed if De Guichen should arrive by the beginning of October, and possession of the port of New York were obtained by him, that post should "become the object of their combined operations." Should he arrive after that period, or if, by any other reinforcement, a naval superiority were obtained, an expedition should take place against the Southern States to consist of French and American troops, to compose with the force there an army of from ten to twelve thousand men. Washington then proposed, as had been previously urged by Hamilton, if an opportunity should offer to do it with safety, that the French fleet should repair to Boston, and their army join him near New York—his probable weakness there, by the expiration of the term of service of a large number of his men, prompting this suggestion. It was declined by the French officers, as not being in conformity with their instructions. This was decisive. Intimations were given by Washington respecting a winter expedition into Canada. A concert on this subject was declined, till a consultation with the French minister, as it was imagined "there might be some political objections to the measure."

During the journey, an event occurred which threatened the most alarming consequences, and was attended with circumstances of the deepest interest.

It has been seen, that General Arnold, after the victories on the Hudson, had been treated by Gates with jealous indignity.

In the hope that the justice long withheld from him as to his rank would be at last rendered, a short time before these new claims upon the gratitude of his country were acquired, a proposal was made in Congress, that an antedated commission should issue, conferring upon him the priority of rank he anxiously sought. It was lost upon two divisions, and by a large majority, probably from a sense of the impolicy of a special act which would cause discontent in the breasts of several meritorious officers. A board of general officers, convened for that purpose, soon after established the principle as to the Pennsylvania line, that their relative rank should be governed by the standing of the officers immediately previous to their present commissions.

The application of this principle to his case relieved all embarrassments as to Arnold, and Washington was ordered thus to regulate his rank. Arnold was not content with this tardy justice. On the evacuation of Philadelphia, his wound precluding active service, he was charged, as has been stated, with its command.

In the exercise of an invidious duty thus confided to him, Arnold incurred great displeasure. The government of the State interposed. Charges were made of an abuse of his powers; and civil prosecutions were threatened. A sharp controversy ensued, and an appeal was preferred to Congress. The result was a vindication of Arnold from criminal conduct. Upon a statement that the full testimony had not been produced, Congress, in concert

with the authorities of Pennsylvania, decided to submit to a court-martial, such charges as were cognizable by a military tribunal. This procedure Arnold charged to be the act of Reed, the president of that State, and was supposed to have produced his ultimate criminality. A court was ordered by Washington. A correspondence now arose on the part of Reed with the commander-in-chief, as to the measures preliminary to a trial, in which the latter felt himself compelled to explanations. These were given in a communication prepared by Hamilton, which fully justified his conduct.

A letter written about this time to Arnold, in Washington's name, also by Hamilton, exhibits the same generous spirit towards him which had marked his previous conduct: "I beg you to be convinced, that I do not indulge any sentiments unfavorable to you, while my duty obliges me, and, I am sure, you wish me to avoid the semblance of partiality. I cautiously suspend my judgment, till the result of a full and fair trial shall determine the merits of the prosecution." *

The operations of the army unavoidably deferred the trial until the beginning of this year, when the court, acquitting Arnold of criminal intentions, found his conduct imprudent and improper, and sentenced him to a reprimand by the commander-in-chief.† It was couched in the mildest, most delicate language, mingling commendation with censure.

His defence upon the trial did him no honor. He appealed to the sympathy of the court, and charged Reed with a former purpose, at a critical moment, of going over to the enemy and making his peace. This charge, founded upon the statements of men of unquestioned

* To Arnold, May 15, 1779. † Sparks' Life of Arnold, 142.

character, General Cadwallader,* Major Lenox, and other persons, came with an ill grace from a man subsequently discovered to have been, for some time past, in questionable correspondence with the enemy.

The result of this trial made little impression upon Washington, and upon other persons of consideration. He gave him the command of the left wing of the army. Livingston, mindful of his conquest of Burgoyne, and doubting the capacity of the officer in charge, urged, at Arnold's instance, his being appointed to the command at West Point. In this Schuyler concurred, and the commander-in-chief, the probability of active service ceasing, assented.

On the third of August, instructions were given to him framed by Hamilton with Washington's signature, urging the expeditious completion of the works, and every necessary measure of precaution. Arnold forthwith established himself at Robinson's house, a short distance below West Point, on the eastern bank of the Hudson.

Of all the military posts of the United States, this, from its natural beauty and grandeur, and its historical associations, is of most attraction.

Here the Hudson in its seaward course, entering the wild rugged mountain masses, which by some great effort of nature in ages past yielded to its onward pressure, meets at West Point a bold projection of solid rock, that turns its channel eastward, which, by a re-entering angle, soon resumes its former course.

Its narrowed width, thus reduced to a little more than a quarter of a mile, and the sudden curvature by which the channel is directly under the command of its eastern bank, indicated it as a place of arms.

* Reply to Gen. Joseph Reed by Gen. John Cadwallader, 1783.

An elevated plain gives, for military uses, a sufficient interspace between its borders and the covering heights.

On the north-eastern angle of this plain was erected a fort, presenting regular fronts, with earthen embankments on the south and west, and on the opposite fronts irregular ramparts conformed to the broken brows of the steep slopes, on which were water batteries ranging the oblique windings of the river.

West of this plain, upon a mountain side, was Fort Putnam, a large pentagonal redoubt. Its western front overhung a precipice. The scarp of the ramparts on the southern side was also very high, while a wall marked the outline of the rest of this irregular work. Above it, on the summits of this height, were three strong redoubts, lined with cannon, commanding the whole position.

The fortification of these Highlands, it has been seen, was suggested in a letter written by Hamilton, for the commander-in-chief, late in seventy-seven, immediately after his return from his mission to Gates. The construction of these works, yet incomplete, was the labor of three years, at vast expense.

Their "immense importance" is stated in a letter of the twenty-first of June of this year, and the completion of the garrison, to the number of "two thousand five hundred efficient men," desired.

A letter from Major Bauman to Hamilton, dated ten days after the command was taken by Arnold, depicts the state of this post resulting from its fluctuating government; "Take in good part what I shall say, as it proceeds from a zeal of affection to you, and from a regard to the cause in which I am engaged.—As fast as one thing is built up, another is torn down again. There is not, in all this garrison, a proper guard-house for the conveniency of soldiers, nor for the security of the criminals. No

powder magazine, nor a store for the reception and reserve of the implements of war. In short, the whole appears, at present, under the care of ungovernable and undisciplined militia, like a wild Tartar's camp, instead of that shining fortification all America thinks not only an insurmountable barrier against the incursion of its enemy, but likewise an easy defence in case of an unforeseen disaster of its army. Let me once more, in confidence, assure you, that I suffer incessant pain from the sad state this garrison is in." *

Such was the condition, well suited to his purpose, in which Arnold found this important post, to the possession of which the British officers were looking confidently as "an irreparable blow" to the Americans.

The twenty-fifth of September, as Washington and La Fayette were returning from Hartford, the former proposed on approaching it, to visit some works recently erected there. While Arnold, who had been notified of his coming, was waiting breakfast, Hamilton and McHenry, at Washington's request, proceeded to Arnold's quarters, to make known the cause of his detention.

As they were sitting at table, Arnold received a note, stating the arrest of Major André, the adjutant-general of the British army. He immediately left the table, entered his wife's apartment, and told her of his situation. She fainted. He left her under the pretence that his immediate presence at West Point, was required. Washington, learning her indisposition before entering the house, crossed over to West Point and was surprised that Arnold was not there. During his absence, Hamilton received a package which had been despatched from the lines in quest of the commander-in-chief, containing the alarming tidings of André's capture and of Arnold's treason. The traitor,

* Hamilton's Works, i. 144.

in the mean time, rode to the water's edge, and sprang into a barge which conveyed him in haste to the Vulture, a British vessel, lying in the stream.

Washington, having inspected the works, recrossed the river with his companions. On his approach to Robinson's house, Hamilton was seen walking towards them with a quick step and anxious countenance. He came up directly to the general, and addressed him in an under voice. They retired into the house. Without disclosing to others their contents, he laid the despatch before Washington.* Not doubting that Arnold had hastened to the enemy, Hamilton and McHenry rode down the Hudson towards Verplanck's Point, in order to have him intercepted, but Arnold, they found, had escaped.

Hamilton wrote from this place to Washington: "You will see by the enclosed we are too late. Arnold went by water to the Vulture. I shall write to General Greene, advising him, without making a bustle, to be in readiness to march; and even to detail a brigade this way; for though I do not believe the project will go on, yet it is possible Arnold has made such dispositions with the garrison as may tempt the enemy in its present weakness to make the stroke this night, and it seems prudent to be providing against it. I shall endeavor to find Meigs, and request him to march to the garrison, and shall make some arrangements here. I hope your excellency will approve these steps, as there may be no time to be lost." "The Vulture is gone down to New York."

The enclosure in this note was a letter to Washington from Arnold, soliciting protection to his wife, avowing as his motive his love to his country, exculpating his aides. Hamilton instantly wrote to Greene: "Here has just been unfolded at this place a scene of the blackest treason.

* Sparks' Life of Arnold, 246

Arnold has fled to the enemy. André, the British adjutant-general, is in our possession as a spy. His capture unravelled the mystery: West Point was to have been the sacrifice. All the dispositions have been made for the purpose, and 'tis possible, though not probable, to-night may still see the execution.

"The wind is fair. I came here in pursuit of Arnold, but was too late. I advise you putting the army under marching orders, and detaching a brigade immediately this way."

Appalled as Washington was by the magnitude of the treason, his first thought on receiving this note, prompted a message to the wife of Arnold, stating, though his duty had rendered it necessary to endeavor to capture her husband, that he found pleasure in soothing her sorrows by assuring her that he was safe.

"The feelings of the whole army," says La Fayette, from whom these incidents are derived, "were most liberal in behalf of André; but none was more impressed with those sentiments of generosity and sympathy than Colonel Hamilton. He was daily searching some way to save him. Every wish to that effect having proved impossible, Hamilton, who was as sensible as any other of that impossibility, and one of those who lamented it the most, published a narrative of the events, and a portraiture of the unfortunate André, which is a masterpiece of literary talents and amiable sensibility." It embraces all the essential circumstances of this interesting story.

HAMILTON TO LAURENS.

"Since my return from Hartford, my dear Laurens, my mind has been too little at ease to permit me to write to you sooner. It has been wholly occupied by the affecting and tragic consequences of Arnold's treason. My

feelings were never put to so severe a trial. You will no doubt have heard the principal facts before this reaches you; but there are particulars to which my situation gave me access, that cannot have come to your knowledge from public report, which, I am persuaded, you will find interesting.

"From several circumstances, the project seems to have originated with Arnold himself, and to have been long premeditated. The first overture is traced back to some time in June last. It was conveyed in a letter to Colonel Robinson, the substance of which was, that the ingratitude he had experienced from his country, concurring with other causes, had entirely changed his principles; that he now only sought to restore himself to the favor of his king, by some signal proof of his repentance, and would be happy to open a correspondence with Sir Henry Clinton for that purpose. About this period he made a journey to Connecticut; on his return from which to Philadelphia, he solicited the command of West Point, alleging that the effects of his wound had disqualified him for the active duties of the field. The sacrifice of this important post was the atonement he intended to make. General Washington hesitated the less to gratify an officer who had rendered such eminent services, as he was convinced the post might be safely entrusted to one who had given so many distinguished proofs of his bravery. In the beginning of August he joined the army, and renewed his application. The enemy at this juncture had embarked the greatest part of their force on an expedition to Rhode Island, and our army was in motion to compel them to relinquish the enterprise or to attack New York in its weakened state. The general offered Arnold the left wing of the army, which he declined, on the pretext already mentioned, but not without visible embarrassment.

He certainly might have executed the duties of such a temporary command, and it was expected from his enterprising temper, that he would gladly have embraced so splendid an opportunity. But he did not choose to be diverted a moment from his favorite object; probably from an apprehension, that some different disposition might have taken place which would have excluded him. The extreme solicitude he discovered to get possession of the post, would have led to a suspicion of the treachery, had it been possible, from his past conduct, to have supposed him capable of it.

"The correspondence thus begun, was carried on between Arnold and Major André, adjutant-general to the British army, in behalf of Sir Henry Clinton, under feigned signatures, and in a mercantile disguise. In an intercepted letter of Arnold, which lately fell into our hands, he proposes an interview "to settle the risks and profits of the copartnership," and in the same style of metaphor intimates an expected augmentation of the garrison, and speaks of it as the means of extending their traffic. It appears by another letter, that André was to have met him on the lines, under the sanction of a flag, in the character of Mr. John Anderson. But some cause or other, not known, prevented this interview.

The twentieth of last month, Robinson and André went up the river in the Vulture sloop of war. Robinson sent a flag to Arnold with two letters, one to General Putnam, enclosed in another to himself, proposing an interview with Putnam, or in his absence with Arnold to adjust some private concerns. The one to General Putnam was evidently meant as a cover to the other, in case, by accident, the letters should have fallen under the inspection of a third person.

General Washington crossed the river on his way to

Hartford, the day these despatches arrived. Arnold, conceiving he must have heard of the flag, thought it necessary for the sake of appearances, to submit the letters to him, and ask his opinion of the propriety of complying with the request. The general, with his usual caution, though without the least surmise of the design, dissuaded him from it, and advised him to reply to Robinson, that whatever related to his private affairs must be of a civil nature, and could only properly be addressed to the civil authority. This reference fortunately deranged the plan, and was the first link in the chain of events that led to the detection. The interview could no longer take place in the form of a flag, but was obliged to be managed in a secret manner.

"Arnold employed one Smith to go on board the Vulture the night of the twenty-second, to bring André on shore with a pass for Mr. John Anderson. André came ashore accordingly, and was conducted within a picket of ours to the house of Smith, where Arnold and he remained together in close conference all that night and the day following. At daylight in the morning, the commanding officer at King's Ferry, without the privity of Arnold, moved a couple of pieces of cannon to a point opposite to where the Vulture lay, and obliged her to take a more remote station. This event, or some lurking distrust, made the boatmen refuse to convey the two passengers back, and disconcerted Arnold so much, that by one of those strokes of infatuation which often confound the schemes of men conscious of guilt, he insisted on André's exchanging his uniform for a disguise, and returning in a mode different from that in which he came. André, who had been undesignedly brought within our posts, in the first instance, remonstrated warmly against this new and dangerous expedient. But Arnold, persisting in declaring

it impossible for him to return as he came, he at length reluctantly yielded to his direction, and consented to change his dress, and take the route he recommended. Smith furnished the disguise, and in the evening passed King's Ferry with him, and proceeded to Crompond, where they stopped the remainder of the night, (at the instance of a militia officer,) to avoid being suspected by him. The next morning they resumed their journey, Smith accompanying André a little beyond Pine's Bridge, where he left him. He had reached Tarrytown, when he was taken up by three militia men, who rushed out of the woods, and seized his horse. At this critical moment, his presence of mind forsook him. Instead of producing his pass, which would have extricated him from our parties, and could have done him no harm with his own, he asked the militia men if they were of the upper or lower party, distinctive appellations known among the refugee corps. The militia men replied they were of the lower party; upon which he told them he was a British officer, and pressed them not to detain him, as he was upon urgent business. This confession removed all doubt; and it was in vain he afterwards produced his pass. He was instantly forced off to a place of greater security; where, after a careful search, there were found concealed in the feet of his stockings, several papers of importance delivered to him by Arnold. Among these there were a plan of the fortifications of West Point, a memorial from the engineer, on the attack and defence of the place, returns of the garrison, cannon, and stores, and a copy of the minutes of a council of war held by General Washington a few weeks before. The prisoner at first was inadvertently ordered to Arnold; but on recollection, while still on the way, he was countermanded and sent to old Salem.

"The papers were enclosed in a letter to General

Washington, which having taken a route different from that by which he returned, made a circuit, that afforded leisure for another letter, through an ill-judged delicacy, written to Arnold, with information of Anderson's capture, to get to him an hour before General Washington arrived at his quarters, time enough to elude the fate that awaited him. He went down the river in his barge to the Vulture, with such precipitate confusion, that he did not take with him a single paper useful to the enemy. On the first notice of the affair he was pursued, but much too late to be overtaken.

"There was some color for imagining it was a part of the plan to betray the general into the hands of the enemy: Arnold was very anxious to ascertain from him the precise day of his return, and the enemy's movements seem to have corresponded to this point. But if it was really the case, it was very injudicious. The success must have depended on surprise, and as the officers at the advanced posts were not in the secret, their measures might have given the alarm, and General Washington, taking the command of the post, might have rendered the whole scheme abortive. Arnold, it is true, had so dispersed the garrison, as to have made a defence difficult, but not impracticable; and the acquisition of West Point was of such magnitude to the enemy, that it would have been unwise to connect it with any other object, however great, which might make the obtaining of it precarious.

"Arnold, a moment before his setting out, went into Mrs. Arnold's apartment, and informed her that some transactions had just come to light, which must for ever banish him from his country. She fell into a swoon at this declaration, and he left her in it to consult his own safety, till the servants, alarmed by her cries, came to her relief. She remained frantic all day, accusing every one

who approached her with an intention to murder her child, (an infant in her arms,) and exhibiting every other mark of the most genuine and agonizing distress. Exhausted by the fatigue and tumult of her spirits, her frenzy subsided towards evening, and she sunk into all the sadness of affliction. It was impossible not to have been touched with her situation; every thing affecting in female tears, or in the misfortunes of beauty, every thing pathetic in the wounded tenderness of a wife, or in the apprehensive fondness of a mother, and, till I have reason to change the opinion, I will add, every thing amiable in suffering innocence, conspired to make her an object of sympathy to all who were present. She experienced the most delicate attentions, and every friendly office, till her departure for Philadelphia.

"André was, without loss of time, conducted to the head-quarters of the army, where he was immediately brought before a Board of general officers, to prevent all possibility of misrepresentation or cavil on the part of the enemy."

The Board consisted of fourteen general officers, Greene presiding.

A letter was addressed to them by Washington from Hamilton's pen: "Major André, adjutant-general to the British army, will be brought before you for your examination. He came within our lines in the night on an interview with Major-general Arnold, and in an assumed character; and was taken within our lines, in a disguised habit, with a pass under a feigned name, and with the enclosed papers concealed upon him. After a careful examination, you will be pleased, as speedily as possible, to report a precise state of his case, together with your opinion of the light in which he ought to be considered,

and the punishment that ought to be inflicted. The judge advocate will attend to assist in the examination, who has sundry other papers relative to this matter, which he will lay before the Board."

"The papers found on André's person were recent artillery orders for the disposition of each corps in case of an alarm: A statement of the strength of the garrison. An estimate of the number of men requisite to man the works: A return of the ordnance. A minute description of the works, and a report of a council of war recently held at head-quarters by Washington respecting the probable operations of the campaign submitted to Arnold for his opinion.

"The Board reported that he ought to be considered as a spy, and according to the laws and usages of nations, to suffer death, which was executed two days after.

"Never, perhaps, did any man suffer death with more justice, or deserve it less. The first step he took after his capture, was to write a letter to General Washington, conceived in terms of dignity, without insolence, and apology without meanness. The scope of it was to vindicate himself from the imputation of having assumed a mean character, for treacherous or interested purposes; asserting that he had been involuntarily an impostor; that contrary to his intention, which was to meet a person for intelligence on neutral ground, he had been betrayed within our posts, and forced into the vile condition of an enemy in disguise; soliciting only that to whatever rigor policy ght devote him, a decency of treatment might be observed due to a person who, though unfortunate, had been guilty of nothing dishonorable. His request was granted in its full extent; for in the whole progress of the affair, he was treated with the most scrupulous delicacy. When brought before the Board of officers, he

met with every mark of indulgence, and was required to answer no interrogatory which would even embarrass his feelings. On his part, while he carefully concealed every thing that might implicate others, he frankly confessed all the facts relating to himself, and upon his confession, without the trouble of examining a witness, the Board made their report. The members were not more impressed with the candor and firmness, mixed with a becoming sensibility which he displayed, than he was penetrated with their liberality and politeness. He acknowledged the generosity of the behavior towards him in every respect, but particularly in this, in the strongest terms of manly gratitude. In a conversation with a gentleman who visited him after his trial, he said, he flattered himself he had never been illiberal; but if there were any remains of prejudice in his mind, his present experience must obliterate them.

"In one of the visits I made to him, (and I saw him several times during his confinement,) he begged me to be the bearer of a request to the general, for permission to send an open letter to Sir Henry Clinton. 'I foresee my fate,' said he, 'and though I pretend not to play the hero, or to be indifferent about life, yet I am reconciled to whatever may happen, conscious that misfortune, not guilt, has brought it upon me. There is only one thing that disturbs my tranquillity. Sir Henry Clinton has been too good to me; he has been lavish of his kindness; I am bound to him by too many obligations, and love him too well to bear the thought that he should reproach himself, or others should reproach him, on the supposition of my having conceived myself obliged, by his instructions, to run the risk I did. I would not, for the world, leave a sting in his mind that should embitter his future days.' He could scarce finish the sentence; bursting into tears,

in spite of his efforts to suppress them, and with difficulty collected himself enough afterwards to add, 'I wish to be permitted to assure him, I did not act under this impression, but submitted to a necessity imposed upon me, as contrary to my own inclination as to his orders.' His request was readily complied with, and he wrote the letter annexed, with which I dare say you will be as much pleased as I am, both for the sentiment and diction.

"When his sentence was announced to him, he remarked, that since it was his lot to die, there was still a choice in the mode, which would make a material difference to his feelings; and he would be happy, if possible, to be indulged with a professional death. He made a second application by letter, in concise but persuasive terms. It was thought this indulgence, being incompatible with the customs of war, could not be granted; and it was, therefore, determined, in both cases, to evade an answer, to spare him the sensations, which a certain knowledge of the intended mode would inflict.

"In going to the place of execution, he bowed familiarly as he went along, to all those with whom he had been acquainted in his confinement. A smile of complacency expressed the serene fortitude of his mind. Arrived at the fatal spot, he asked, with some emotion, 'must I then die in this manner?' He was told it had been unavoidable. 'I am reconciled to my fate, (said he,) but not to the mode.' Soon, however, recollecting himself, he added, 'it will be but a momentary pang;' and springing upon the cart, performed the last offices to himself, with a composure that excited the admiration and melted the hearts of the beholders. Upon being told the final moment was at hand, and asked if he had any thing to say, he answered, 'nothing, but to request you will witness to

the world, that I die like a brave man.' Among the extraordinary circumstances that attended him, in the midst of his enemies he died universally regretted, and universally esteemed.

"There was something singularly interesting in the character and fortunes of André. To an excellent understanding, well improved by education and travel, he united a peculiar elegance of mind and manners, and the advantage of a pleasing person. It is said, he possessed a pretty taste for the fine arts, and had himself attained some proficiency in poetry, music, and painting. His knowledge appeared without ostentation, and embellished by a diffidence that rarely accompanies so many talents and accomplishments, which left you to suppose more than appeared.

"His sentiments were elevated, and inspired esteem;—they had a softness that conciliated affection. His elocution was handsome; his address easy, polite, and insinuating. By his merit, he had acquired the unlimited confidence of his general, and was making a rapid progress in military rank and reputation. But in the height of his career, flushed with new hopes from the execution of a project the most beneficial to his party that could be devised, he was at once precipitated from the summit of prosperity, and saw all the expectations of his ambition blasted, and himself ruined.

"The character I have given of him, is drawn partly from what I saw of him myself, and partly from information. I am aware, that a man of real merit is never seen in so favorable a light as through the medium of adversity. The clouds that surround him are shades that set off his good qualities. Misfortune cuts down the little vanities, that in prosperous times serve as so many spots in his virtues, and gives a tone of humility that makes his worth

more amiable. His spectators, who enjoy a happier lot, are less prone to detract from it through envy; and are more disposed by compassion to give him the credit he deserves, and perhaps even to magnify it.

"I speak not of André's conduct in this affair as a philosopher, but as a man of the world. The authorized maxims and practices of war are the satires of human nature. They countenance almost every species of seduction, as well as violence; and the general who can make most traitors in the army of his adversary is frequently most applauded. On this scale we acquit André, while we would not but condemn him if we were to examine his conduct by the sober rules of philosophy and moral rectitude. It is, however, a blemish on his fame, that he once intended to prostitute a flag,—about this, a man of nice honor ought to have had a scruple; but the temptation was great. Let his misfortunes cast a veil over his error.

"Several letters from Sir Henry Clinton, and others, were received in the course of the affair, feebly attempting to prove that André came out under the protection of a flag, with a passport from a general officer in actual service; and, consequently, could not be justly detained. Clinton sent a deputation, composed of Lieutenant-general Robinson, Mr. Elliot, and Mr. William Smith, to represent, as he said, the true state of Major André's case. General Greene met Robinson, and had a conversation with him, in which he reiterated the pretence of a flag, urged André's release as a personal favor to Sir Henry Clinton, and offered any friend of ours in their power in exchange. Nothing could have been more frivolous than the plea which was used. The fact was, that besides the time, manner, object of the interview, change of dress, and other circumstances, there was not a single formality

customary with flags; and the passport was not to Major André, but to Mr. Anderson. But had there been, on the contrary, all the formalities, it would be an abuse of language to say, that the sanction of a flag, for corrupting an officer to betray his trust, ought to be respected. So unjustifiable a purpose would not only destroy its validity, but make it an aggravation.

"André himself has answered the argument, by ridiculing and exploding the idea, in his examination before the Board of officers. It was a weakness to urge it.

"There was, in truth, no way of saving him. Arnold or he must have been the victim; the former was out of our power.

"It was by some suspected, Arnold had taken his measures in such a manner, that if the interview had been discovered in the act, it might have been in his power to sacrifice André to his own security. This surmise of double treachery made them imagine Clinton would be induced to give up Arnold for André; and a gentleman took occasion to suggest the expedient to the latter, as a thing that might be proposed by him. He declined it. The moment he had been capable of so much frailty, I should have ceased to esteem him.

"The infamy of Arnold's conduct previous to his desertion, is only equalled by his baseness since. Besides the folly of writing to Sir Henry Clinton, that André had acted under a passport from him, and according to his directions, while commanding officer at a post, and that, therefore, he did not doubt he would be immediately sent in, he had the effrontery to write to General Washington in the same spirit, with the addition of a menace of retaliation, if the sentence should be carried into execution. He has since acted the farce of sending in his resignation. This man is, in every sense, despicable. In addition to

the scene of knavery and prostitution during his command in Philadelphia, which the late seizure of his papers has unfolded, the history of his command at West Point, is a history of little as well as great villanies. He practised every art of peculation; and even stooped to connection with the suttlers of the garrison to defraud the public.

"To his conduct, that of the captors of André formed a striking contrast. He tempted them with the offer of his watch, his horse, and any sum of money they should name. They rejected his offers with indignation; and the gold that could seduce a man high in the esteem and confidence of his country, who had the remembrance of past exploits, the motives of present reputation and future glory, to prop his integrity, had no charms for three simple peasants, leaning only on their virtue and an honest sense of their duty. While Arnold is handed down, with execration, to future times, posterity will repeat with reverence the names of Van Wert, Paulding, and Williams.

"I congratulate my friend on our happy escape from the mischiefs with which this treason was big. It is a new comment on the value of an honest man, and, if it were possible, would endear you to me more than ever. Adieu."

In a letter of the twenty-fifth of September, addressed to Miss Schuyler, Hamilton thus adverts to this affecting story: "Arnold, hearing of the plot being detected, immediately fled to the enemy. I went in pursuit of him, but was much too late; and could hardly regret the disappointment, when on my return, I saw an amiable woman, frantic with distress for the loss of a husband she tenderly loved,—a traitor to his country and to his fame, —a disgrace to his connections; it was the most affecting

scene I was ever witness to. She, for a considerable time, entirely lost herself. The general went up to see her, and she upbraided him with being in a plot to murder her child. One moment she raved, another she melted into tears. Sometimes she pressed her infant to her bosom, and lamented its fate, occasioned by the imprudence of its father, in a manner that would have pierced insensibility itself. All the sweetness of beauty, all the loveliness of innocence, all the tenderness of a wife, and all the fondness of a mother, showed themselves in her appearance and conduct. We have every reason to believe, that she was entirely unacquainted with the plan, and that the first knowledge of it, was when Arnold went to tell her he must banish himself from his country and from her for ever. She instantly fell into a convulsion, and he left her in that situation.

"This morning she is more composed. I paid her a visit, and endeavored to soothe her by every method in my power; though you may imagine she is not easily to be consoled. Added to her other distresses, she is very apprehensive the resentments of her country will fall upon her, (who is only unfortunate,) for the guilt of her husband.

"I have tried to persuade her that her fears are ill founded; but she will not be convinced. She received us in bed, with every circumstance that would interest our sympathy, and her sufferings were so eloquent, that I wished myself her brother, to have a right to become her defender;—as it is, I have entreated her to enable me to give her proofs of my friendship. Could I forgive Arnold for sacrificing his honor, reputation, and duty, I could not forgive him for acting a part that must have forfeited the esteem of so fine a woman. At present, she almost forgets his crime in his misfortunes; and her hor-

ror at the guilt of the traitor, is lost in her love of the man. But a virtuous mind cannot long esteem a base one, and time will make her despise, if it cannot make her hate."

One circumstance in this melancholy scene dwelt deeply on the mind of Hamilton. It is that to which, in the beautiful tribute of an eloquent female,* to the memory of André, she most feelingly alludes,—the manner of his death. On the day of his execution, Hamilton thus writes: †

"Poor André suffers to-day;—every thing that is amiable in virtue, in fortitude, in delicate sentiment, and accomplished manners, pleads for him; but hard-hearted policy calls for a sacrifice. He must die ——. I send you my account of Arnold's affair, and to justify myself to your sentiments, I must inform you, that I urged a compliance with André's request to be shot, and I do not think it would have had an ill effect; but some people are only sensible to motives of policy, and sometimes, from a narrow disposition, mistake it.

"When André's tale comes to be told, and present resentment is over,—the refusing him the privilege of choosing the manner of his death will be branded with too much obstinacy.

"It was proposed to me to suggest to him the idea of an exchange for Arnold; but I knew I should have forfeited his esteem by doing it, and therefore declined it. As a man of honor, he could not but reject it; and I would not for the world have proposed to him a thing which must have placed me in the unamiable light of supposing him capable of a meanness, or of not feeling myself the impropriety of the measure. I confess to you,

* Miss Seward. † Tappan, Oct. 2, 1780.

I had the weakness to value the esteem of a dying man, because I reverenced his merit." *

The eloquent and feeling narrative contained in these letters, which does so much honor to the sentiments of their author, is a just tribute to the character of the captive, and to the temper of the army.

André, educated amidst a circle of devoted relatives, and habitually indulging every ardent impulse of his generous nature, had torn himself from their reluctant arms to win honor in the field. Commended to the notice of Sir Henry Clinton, he rose fast in his esteem, and was often selected for those delicate duties which serve to mitigate the miseries of war.

In the performance of these, his deportment often formed a strong contrast with that of his less polished brethren; and such was the impression on the minds of those Americans who had been prisoners, that when the news of this event arrived, great as was the rejoicing at the detection of the plot and the capture of the spy, every bosom swelled with regret to learn that that spy was André.

Shocked as Hamilton was with the danger of this con-

* The following note was addressed by André to General Washington, on the day previous to his execution:

"TAPPAN, *October* 1, 1780.

"Buoyed above the terror of death, by the consciousness of a life devoted to honourable pursuits, and stained with no action that can give me remorse, I trust that the request I make to your excellency, at this serious period, and which is to soften my last moments, will not be rejected.

"Sympathy towards a soldier, will surely induce your excellency, and a military tribunal, to adapt the mode of my death to the feelings of a man of honour.

"Let me hope, sir, if aught in my character impresses you with esteem towards me, if aught in my misfortunes marks me as the victim of policy, and not of resentment, I shall experience the operation of these feelings in your breast, by being informed that I am not to die on a gibbet."

spiracy, and his indignation heightened by the belief that it was intended to reach the person of Washington, his generous feelings, nevertheless, seemed wholly to take possession of him, and during all the period of André's confinement and trial, he exhausted every means to alleviate his sufferings, and to withdraw him from the bitterness of his reflections.

As soon as he was brought in, addressing to a much loved friend the unnecessary request, he said, "Major Jackson, I have learned that André was very kind to you when you were a prisoner, will you not visit him?" Thus awakening the sympathies of the army, he turned their resentment upon the traitor, to whose criminal arts the British officer had unhappily lent himself. The conduct of André's captors was the theme of honest pride. Every soldier in the camp participated in their triumph. But when the day of his execution came, he was followed only by the brigade on duty, and with the exception of those officers who surrounded the scaffold to soothe its victim, not an officer or soldier was to be seen as a spectator. All retired to their tents, exhibiting the delicacy and sensibility which became the soldiers of such a cause.

Immediately after the escape of Arnold, it was thought expedient to apprise Rochambeau of the occurrence. Hamilton wrote to him the next day in behalf of Washington: "On my return here a very disagreeable scene unfolded itself. By a lucky accident, a conspiracy of the most dangerous nature, the object of which was to sacrifice this post, has been detected. General Arnold, who has sullied his former glory by the blackest treason, has escaped to the enemy. This is an event that occasions me equal regret and mortification, but traitors are the growth of every country, and in a revolution of the present nature, it is more to be wondered at, that the cata-

logue is so small, than that there have been found few."

The first object was the security of the post. An order was immediately prepared by Hamilton, and addressed to the commanding officer, urging redoubled care and vigilance for its preservation. St. Clair was temporarily appointed to its command, which was soon after conferred upon Greene, under special instructions written by Hamilton: "You will exert yourself to complete the works, and to put them in the most perfect state of defence. This is essential, under the knowledge the enemy have of their present state, as a change in their situation will not only render them in reality more defensive, but will diminish the usefulness of the information, which Arnold has it in his power to give."

The traitor was rewarded for his treason by a commission of brigadier-general in the British service. His wife hastened from her suffering shame to the abode of her father in Philadelphia. The same spirit which had there pursued Arnold was shown towards this unhappy, innocent woman. The executive council of Pennsylvania would not listen to any appeal for mercy or guaranties of conduct. She was driven forth from Philadelphia, reluctantly to rejoin her dishonored husband.

CHAPTER XXII.

The embarrassed condition of affairs has been fully depicted in the recent letters from head-quarters. Without money and without credit, without troops or the power to raise them, depending wholly upon the spasmodic efforts of the separate States for every essential of war, Hamilton felt the extent of the disease, and now suggested the great, the true remedies.

Money adequate to the public necessities, he saw, could only be obtained by the establishment of the Public credit on the solid basis of a National Revenue. An effective army could only be maintained of sufficient strength by a permanent system. These two great objects of justice and security could not be accomplished but through the agency of a National Government. The organs of life were wanting to the body politic.

Having by their own act limited the emission of the old continental bills of credit, which limit was soon reached, on the eighteenth of March of this year a new scheme of finance was proposed by Congress.

It commenced with a breach of the public faith. The States were called upon for their respective quotas of money, and these quotas were made payable at the rate of one Spanish milled dollar in lieu of forty dollars of the

bills in circulation, which were not to be re-issued. Instead of these, a New Emission of bills was to be made, redeemable in specie within the term of six years, bearing an interest of five per cent. to be paid in specie at the redemption of the bills, or annually by bills of exchange on the American commissioners in Europe. These new bills were to issue on the funds of the individual States for that purpose to be established; and the faith of the United States was pledged for their redemption in the case of the failure of any State to redeem the bills issued upon its credit, owing to the events of the war. Six-tenths of these new emissions were to be reserved to the use of the States respectively—the residue to be subject to the orders of the United States. The States were to be called upon to provide funds for their quotas of these bills so as to redeem a sixth part annually. Confidence in the result of this plan was indulged. A leading member wrote to the governor of the State he represented:* "This is precisely the point of time for the several legislatures to act decidedly, and in a manner that the world will for ever call wise. It is now in their power by a single operation, to give a sure establishment for public credit; to realize the public debt at its just value; and without adding to the burdens of the people, to supply the treasury. They have been the product of much labor and discussion, and though some States may have reason for thinking they are not the best possible, yet they are the best Congress could agree upon; and should these be rejected, I confess I do not see on what ground the common exertions of the several States are to be united, and continued hereafter."

This measure, from which so much was expected, was entirely in a wrong direction. It was, however, in the

* Ellsworth to Trumbull.

spirit of the new articles of confederation, and substituted the credit of the States, with a mere illusory, ultimate pledge, for that of the Union.

Recent as had been this procedure, Congress, in a different form, in the next month, yielding to their necessities, authorized an emission of more loan office certificates, and new bills of exchange, on the American commissioners in Europe. The whole was an accumulation of promises. Resolutions were passed to bolster the credit of the new bills, assuring the redemption of the old; but the only measures of practical financial utility were a pledge to reimburse the subscribers to a bank, and the sending a commissioner to Europe to negotiate a loan.

The sole resource that remained to Congress in the absence of a circulating medium, was to call for specific supplies for the use of the army. To ensure the command of these, the States were asked to prohibit the exportation of those of American production; and to induce their grant of the requisitions, any State having "taken the necessary measures for furnishing its quota and having given notice thereof to Congress," was authorized "to prohibit any commissary or quartermaster from purchasing within its limits." Their new scheme of finance had cut off all present resources of money. This new scheme of subsistence cut off all means of present supply. The continental paper money had been a substitute for revenue. This failing, the fate of the Revolution was cast on the voluntary action of twelve independent States. This was the natural and necessary consequence of the impotent policy which had prevailed. The repeated recommendations of Congress, without power to enforce them, were as repeated proclamations of weakness. The influence of a lavish treasury ceasing with the cessation of the emissions, Congress were almost without weight; and the

patriotism of many was seen to sink in an equal ratio with the scale of the paper depreciation. The actual power being in the States, this portion of society turned towards them, and gave to their real, an artificial, baneful preponderance. "Congress," is the language of a member, "has been gradually surrendering or throwing upon the several States, the exercise of powers they should have retained, and to their utmost, have exercised themselves; until, at length, they have scarce a power left, but such as concerns foreign transactions; for, as to the army, the Congress is at present little more than the medium through which the wants of the army are conveyed to the States." * The wants of the army were not only of subsistence, but of pay. They were paid in a medium constantly depreciating in value till it became worthless.† To satisfy their just clamor, a promissory resolution of Congress was sent to a starving army, that they would make good to them the depreciation, and that the loss should be taken in account. If mutiny followed, can it be a source of surprise? The "forage and transportation," Hamilton wrote, "have lately been principally procured by military impress, a mode too violent, unequal, oppressive, and consequently odious to the people to be long practised with success."

"Send us troops, ships and money," Rochambeau writes to Vergennes, "but do not depend upon these people nor upon their means; they have neither money nor credit—their means of resistance are only momentary, and called forth when they are attacked in their own homes. They then assemble for the moment of immediate danger, and defend themselves. Washington commands sometimes fifteen, sometimes three thousand men!"

* John Matthews of South Carolina.

† A quart of meal cost eight dollars, an ear of corn half a dollar

Jay wrote from Madrid: "By her power, justice, commerce and consequence, America must expect to gain and keep friends. The equity of her cause is with many only a secondary consideration." *

The fruitless recommendations to the States were not the only public admissions of weakness. All the measures to impart a temporary force to the action of Congress were equally acknowledgments of its want of power. The dictatorial authority conferred upon Washington was, in each instance, the most objectionable form national necessities could assume. The plenary powers sought for and granted to committees of Congress, were, though reluctant, successive confessions that this body was incompetent to the purposes it attempted to accomplish.

Thus every motive of experience, of honor, of reputation, of interest, of safety demanded a GOVERNMENT of the United States—a general will and a general united power to collect, direct, express and enforce that will—"a solid coercive union."

This great necessity, so obvious, so urgent, so universal, no individual nor body of men in this country had yet publicly proposed. The articles of confederation, coeval with the declaration of independence, were not yet ratified. When ratified, they would, from their very nature, constitute a mere league of States, doomed to defeat a national policy. Such a policy, a sovereignty of the nation could alone establish, and alone maintain. These articles of confederation, as being the form of existence to which the people were looking, were a delusive passing promise.

The industrial interests of New England, no longer the seat of war, suggested a concert of action, and, in December, seventeen hundred seventy-six, a few delegates met at Providence.

* Jay to G. Clinton, May 6, 1780.

Seeing the necessity of the concurrence of other States, a second convention was called to meet at Springfield. They met on the thirtieth of July, seventy-seven. The objects were, to correct the great financial errors by which the industry of the country was paralyzed. The four New England States and New York were represented. This convention proposed to rescind the limitation of prices—the gradual drawing in of paper money—its being funded at interest, and a system of taxation as a mean to this end.

The consideration of these subjects was resumed in another convention, which assembled at New Haven in January, seventy-eight. The New England States, New York, New Jersey, and Pennsylvania, are stated to have been present. It urged a discontinuance of emissions, and a reduction of the bills in circulation. Though disinclined to a regulation of prices, it contemplated establishing a tariff of values.

It adjourned to meet at Hartford in October, seventy-nine. Another convention was then held, whose objects indicate an important advance in public opinion.

Massachusetts instructed her delegates to consult as to measures to prevent a further depreciation of the money medium, and "to agree on a mode of internal trade and commerce, in consistency with the general welfare." Seeing the inutility of partial associations, she declared "that it was impossible for the Eastern States to continue their regulations without the co-operation of those to the southward;" and therefore invited a larger meeting of commissioners, embracing Maryland and Virginia. Whether the Carolinas and Georgia were included is not ascertained, though such is believed to be the fact. The objects stated were, to form, "if *expedient*, a regulation of prices that may be permanent and salutary;" and "if

Congress approve," it was added, "we shall be glad of their recommendation of those States to meet the Eastern States agreeably to our request, though we do not conceive that a radical cure for the depreciation of our money is to be obtained other than by taxes and loans; and large sums of money, we apprehend, might be obtained by the latter method, if Congress would engage to make good the money to the lender."

To consider of these measures, a convention of delegates met at Philadelphia on the twenty-ninth of January of this year. The New England States, New Jersey, Pennsylvania, Delaware and Maryland were present.

The object of this meeting would seem to have been confined to a regulation of prices in conformity with the recommendation of Congress of the preceding November. They adjourned without any other action than the appointment of a committee to form a general plan for that purpose. The reason assigned was, the absence of New York, whose legislature had not assembled since the last convention, and therefore had not appointed commissioners, but of whose concurrence they declared themselves confident, and also Virginia, not being represented. Hitherto, that State had taken no part in these joint proceedings. For what reason is not ascertained; but the objection was soon after urged there, to the conferring upon Congress the power of taxation, that such taxes would chiefly fall upon the owners of slaves.*

Resolved to ascertain definitively her views, the president of this convention was directed to request the governor of that State, "to give the earliest notice of her determination" as to meeting the other States in convention. Waiting her concurrence, they adjourned first until February, and then to April, when a call was made for a

* March 4, 1780.

meeting in August. The only States represented at this August meeting were, Massachusetts, Connecticut, and New Hampshire.

Small as were their numbers, the proceedings of these three States indicate a larger purpose than those of any of the preceding meetings. Thirteen resolutions were passed: one, to complete their quotas of troops; a second, that purchasers should have a system of correspondence; third, that each State should transport its own troops; fourth, for the prevention of frauds; fifth, as to embargoes; sixth, to sustain the credit of the continental bills by the action of all the States, sinking their quotas by taxation, and, if this were impracticable to the whole extent, to provide other means. Each State was called upon to inform Congress of the measures it had taken, which would "be rendered extensively beneficial only by the co-operation of all, and may be totally defeated by the failure of any." The seventh recommended, that each State immediately establish funds for sinking annually, at least one-sixth of the bills they shall emit; and that the tax for raising such fund be "the first year paid in silver and gold or the produce of the country. During the other five years to be paid in silver and gold, or the specific bills not to be reissued."

The object of this resolution was stated to be, "that the credit of the paper bills may rest upon the funds provided for their redemption, as, in our opinion, every attempt to support their credit, by forcing them into circulation, tends to defeat the purpose and to depreciate them." Thus the dream of sustaining unfunded paper was dissolved. The eighth resolution recommended to the States, "not to emit any more bills on their own particular credit, and, in no case, to have in circulation, at any one time, of both State and new continental bills,

more than the quantity assigned them by the resolution of Congress.

Having passed, in other resolutions, on some measures of temporary interest, the twelfth resolution approached the great, much to be desired result. It declared, "although no exertions ought to be spared to facilitate and carry into execution the measures adopted for the present campaign, they conceive it to be essential to our final safety, to the establishment of public credit, and to put a speedy and happy issue to the present calamitous war, that the UNION of these States be fixed in a more solid and permanent manner, that the powers of Congress be more clearly ascertained and defined; and that the important national concerns of the United States be under the superintendency and direction of one supreme head,—that the proper estimates of our public wants be seasonably made, and the necessary resources provided, and regularly and economically drawn forth and expended—to that end it was resolved:—that it be recommended to the States to empower their delegates in Congress to confederate with such of the States as will accede to the confederation proposed by Congress, and that they invest their delegates in Congress with powers competent for the government and direction of all those common and national affairs which do not, nor can come within the jurisdiction of the particular States; and that the States aforesaid represent to Congress the importance and necessity of their so doing; that they form a permanent system, establishing proper boards, officers, and regulations for the direction of the several departments necessary to be executed under Congress, to the end, that proper estimates of the public wants may be seasonably made, and sufficient funds of money be provided for answering the same from the States or by foreign loans,

procured on the credit of the United States, that the resources of the nation may be regularly drawn forth and economically expended, and that the States be seasonably called upon for supplies of men, and money for filling the public magazines, and the establishment of an army during the war."

These conventional proceedings are given in detail because of their great importance, as indicating the development and progress of public opinion, and as the large, united expressions of that opinion, on the great questions of an effective union and an efficient government.

Fluctuating as this opinion had been, advancing to a point which would indicate the approach to a policy of widest scope, then seeming to recede and to permit it to pass wholly out of view, it now assumed a form and body of great and early promise.

Hitherto, Hamilton's mind is seen advancing, alone and unsupported, towards the chief object of his life. Even his appeals to individual opinions seem to have been disregarded or but half received. But these resolutions opened a great light amid the maze of error, to which the people, he hoped, would turn with earnest confidence.

It will soon appear, surprising as it seems, that the great subject of finance, with which his mind was full, had never been a topic of discussion between himself and Washington. The importance of his weight and character, in promoting the objects proposed by the convention, dictated an earnest letter, written by Hamilton, in his name, on the twenty-eighth of August, to James Bowdoin, the enlightened president of the council of Massachusetts: * * * "I am informed of a set of resolutions lately entered into by a convention of delegates from the four Eastern States, which, if rightly represented to me, and

carried into execution, will be the most likely means to be adopted to rescue our affairs from the complicated and dreadful embarrassments under which they labor, and will do infinite honor to those with whom they originate. I sincerely wish they may meet with no opposition or delay in their progress. Our situation is truly delicate, and demands all our wisdom, all our virtue, all our energy. Great Britain, no doubt, encounters many serious perplexities and dangers, but there will be no miracle in her surmounting them. In Europe, by the last advices, there was a critical moment, where the chances were too equally balanced. On this continent the affairs of the enemy are too prosperous; in the West Indies at this season the elements may fight against our allies, but here is our best hope. As to domestic dissensions, though they will no doubt embarrass, I confess I have no great confidence in them. We have every motive to be in earnest, and to exert ourselves to the utmost to TAKE CARE OF OURSELVES."

A convention of all the States was the great instrument to which Hamilton's mind had turned as the mean of salvation by the establishment of an effective national government. "It has ever been," he wrote soon after, "my opinion that Congress ought to have complete sovereignty in all but the mere municipal law of each State." Thus, as to the compass of the power to be conferred, his views and those of this convention were the same, but in the mode of effecting this object, it will be seen, he went far beyond them. The convention urged an accession by the hesitating or tardy States "to the confederation proposed by Congress;" Hamilton, regarding it as "a futile and senseless confederation," was looking to a new system. The convention proposed, that the States should "invest their delegates in Congress with competent pow-

ers." These powers, thus invested, would be revocable grants, at the continuing discretion of each State, both as to the extent and duration of these powers—a discretion which, it will be seen, was exercised. Hamilton proposed "a convention of all the States with full authority *to conclude finally* upon a general confederation." "The reasons," he remarks, "for which I require them," (the delegates,) "to be vested with *plenipotentiary authority* are, that the business may suffer no delay in the execution; and may, in reality, come to effect. A convention may agree upon a confederation: the States individually hardly ever will." While contemplating an enlargement of the powers of Congress almost to the extent demanded by the interests of the nation, he also saw and indicated the necessity of an executive to ensure "method and energy in the administration." "Congress," he observed, "is properly a deliberative corps, and it forgets itself when it attempts to play the executive." He proposed "an executive ministry in the hands of single men."

Looking carefully at the position in which he stood as to the great question of a national government, it is remarked in "the History of the Constitution of the United States:"* "At the age of three and twenty, he had already formed well defined, profound, and comprehensive opinions on the situation and wants of these States. He had clearly discerned the practicability of forming a confederated government, and adapting it to their peculiar condition, resources and exigencies. He had wrought out for himself a political system, far in advance of the conceptions of his cotemporaries."

His views are given in a letter of the third of September, addressed to James Duane, in Congress, in conformity to a previous promise, dated at the Liberty Pole:

* George Ticknor Curtis, i. 415.

"Agreeably to your request and my promise, I sit down to give you my ideas of the defects of our present system, and the changes necessary to save us from ruin. They may, perhaps, be the reveries of a projector, rather than the sober views of a politician. You will judge of them, and make what use you please of them.

"The fundamental defect is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged; or to point out how it has happened, as the only question is how to remedy it. It may, however, be said, that it has originated from three causes,—an excess of the spirit of liberty, which has made the particular States show a jealousy of all power not in their own hands; and this jealousy has led them to exercise a right of judging, in the last resort, of the measures recommended by Congress, and of acting according to their own opinions of their propriety or necessity;—a diffidence in Congress of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the States, till they have scarcely left themselves the shadow of power;—a want of sufficient means at their disposal to answer the public exigencies, and of vigor to draw forth those means, which have occasioned them to depend on the States, individually, to fulfil their engagements with the army; the consequence of which has been to ruin their influence and credit with the army, to establish its dependence on each State, separately, rather than *on them;* that is, than on the whole collectively.

"It may be pleaded that Congress had never any definitive powers granted them, and of course could exercise none,—could do nothing more than recommend. The manner in which Congress was appointed would warrant and the public good required, that they should have con-

sidered themselves as vested with full power *to preserve the republic from harm.*

"They have done many of the highest acts of sovereignty, which were always cheerfully submitted to; the declaration of independence, the declaration of war, the levying an army, creating a navy, emitting money, making alliances with foreign powers, appointing a dictator, &c., &c.; all these were implications of a complete sovereignty, were never disputed, and ought to have been a standard for the whole conduct of administration. Undefined powers are discretionary powers, limited only by the object for which they were given; in the present case, the independence and freedom of America. The confederation made no difference; for as it has not been generally adopted, it had no operation.

"But, from what I recollect of it, Congress have even descended from the authority which the spirit of that act gives them; while the particular States have no farther attended to it, than as it suited their pretensions and convenience. It would take too much time to enter into particular instances; each of which, separately, might appear inconsiderable, but united, are of serious import. I only mean to remark, not to censure.

"But the confederation itself is defective, and requires to be altered; it is neither fit for war, nor peace. The idea of an uncontrollable sovereignty in each State, over its internal police, will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances, without number, where acts necessary for the general good, and which rise out of the powers given to Congress, must interfere with the internal police of the States; and there are as many instances in which the particular States, by arrangements of internal police, can effectually, though indirectly, counteract the

arrangements of Congress.. You have already had examples of this, for which I refer you to your own memory.

"The confederation gives the States, individually, too much influence in the affairs of the army; they should have nothing to do with it.

"The entire formation and disposal of our military forces ought to belong to Congress. It is an essential cement of the Union; and it ought to be the policy of Congress to destroy all ideas of State attachments in the army, and make it look up wholly to them. For this purpose, all appointments, promotions, and provisions whatsoever, ought to be made by them. It may be apprehended, that this may be dangerous to liberty. But nothing appears more evident to me, than that we run much greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people.

"Already some of the lines of the army would obey their States in opposition to Congress, notwithstanding the pains we have taken to preserve the unity of the army. If any thing would hinder this, it would be the personal influence of the general—a melancholy and mortifying consideration. The forms of our State constitutions must always give them great weight in our affairs, and will make it too difficult to blind them to the pursuit of a common interest, too easy to oppose whatever they do not like, and to form partial combinations, subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into counties, provinces, or districts, which have no legislatures, but merely magistratical bodies to execute the laws of a common sovereign. Here the danger is, that the sovereign will have too much power,

and oppress the parts of which it is composed. In our case, that of an empire composed of confederative States, each with a government completely organized within itself, having all the means to draw its subjects to a close dependence on itself, the danger is directly the reverse. It is, that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole.

"The leagues among the old Grecian republics are a proof of this. They were continually at war with each other, and for want of union fell a prey to their neighbors. They frequently held general councils, but their resolutions were no farther observed, than as they suited the interests and inclinations of all the parties, and, at length, they sunk entirely into contempt.

"The Swiss cantons are another proof of the doctrine. They have had wars with each other, which would have been fatal to them, had not the different powers in their neighborhood been too jealous of one another, and too equally matched, to suffer either to take advantage of their quarrels. That they have remained so long united at all, is to be attributed to their weakness, to their poverty, and to the cause just mentioned. These ties will not exist in America. A little time hence, some of the States will be powerful empires; and we are so remote from other nations, that we shall have all the leisure and opportunity we can wish to cut each other's throats.

"The Germanic corps might also be cited as an example in favor of the position.

"The United Provinces may be thought to be one against it. But the family of the Stadtholders, whose authority is interwoven with the whole government, has been a strong link of union between them. Their phys-

ical necessities, and the habits founded upon them, have contributed to it. Each province is too inconsiderable by itself to undertake any thing. An analysis of their present constitution would show, that they have many ties which would not exist in ours; and that they are by no means a proper model for us.

"Our own experience should satisfy us. We have felt the difficulty of drawing out the resources of the country, and inducing the States to combine in equal exertions for the common cause. The ill success of our last attempt is striking. Some have done a great deal; others little, or scarcely any thing. The disputes about boundaries, &c., testify how flattering a prospect we have of future tranquillity, if we do not frame in time a confederacy capable of deciding the differences, and compelling the obedience of the respective members.

"The confederation, too, gives the power of the purse too entirely to the State legislatures. It should provide perpetual funds in the disposal of Congress, by a land tax, poll tax, or the like. All imposts upon commerce ought to be laid by Congress, and appropriated to their use; for without certain revenues, a government can have no power; that power which holds the purse strings absolutely, must rule. This seems to be a medium, which, without making Congress altogether independent, will tend to give reality to its authority.

Another defect in our system is, want of method and energy in the administration. This has partly resulted from the other defect; but in a great degree from prejudice and the want of a proper executive. Congress have kept the power too much in their own hands, and have meddled too much with details of every sort. Congress is properly a deliberative corps, and it forgets itself when it attempts to play the executive. It is impossible that a

body, numerous as it is, constantly fluctuating, can ever act with sufficient decision, or with system. Two-thirds of the members, one half of the time, cannot know what has gone before them, or what connection the subject in hand has to what has been transacted on former occasions. The members who have been more permanent, will only give information that promotes the sides they espouse, in the present case, and will as often mislead as enlighten. The variety of business must distract, and the proneness of every assembly to debate, must at all times delay.

"Lately, Congress, convinced of these inconveniences, have gone into the measure of appointing Boards. But this is, in my opinion, a bad plan. A single man, in each department of the administration, would be greatly preferable. It would give us a chance of more knowledge, more activity, more responsibility, and, of course, more zeal and attention. Boards partake of a part of the inconveniences of larger assemblies;—their decisions are slower, their energy less, their responsibility more diffused. They will not have the same abilities and knowledge as an administration by single men. Men of the first pretensions will not so readily engage in them, because they will be less conspicuous, of less importance, have less opportunity of distinguishing themselves. The members of Boards will take less pains to inform themselves, and arrive at eminence, because they have fewer motives to do it. All these reasons conspire to give a preference to the plan of vesting the great executive departments of the State in the hands of individuals. As these men will be, of course, at all times under the direction of Congress, we shall blend the advantages of a monarchy and republic in one constitution.

"A question has been made, whether single men could be found to undertake these offices. I think they could;

because there would be then every thing to excite the ambition of candidates. But in order to this, Congress, by their manner of appointing them, and the line of duty marked out, must show that they are in earnest in making these offices, offices of real trust and importance.

"I fear a little vanity has stood in the way of these arrangements, as though they would lessen the importance of Congress, and leave them nothing to do. But they would have precisely the same rights and powers as heretofore, happily disencumbered of the detail. They would have to inspect the conduct of their ministers, deliberate upon their plans, originate others for the public good,—only observing this rule, that they ought to consult their ministers, and get all the information and advice they could from them, before they entered into any new measures, or made changes in the old.

"A third defect is, the fluctuating constitution of our army. This has been a pregnant source of evil;—all our military misfortunes, three-fourths of our civil embarrassments, are to be ascribed to it. The general has so fully enumerated the mischiefs, in a late letter to Congress, that I could only repeat what he has said, and will, therefore, refer you to that letter.

"The imperfect and unequal provision made for the army, is a fourth defect, which you will find delineated in the same letter. Without a speedy change, the army must dissolve;—it is now a mob rather than an army,—without clothing, without pay, without provision, without morals, without discipline. We begin to hate the country for its neglect of us; the country begins to hate us for our oppressions of them. Congress have long been jealous of us; we have now lost all confidence in them, and give the worst construction to all they do. Held together by the slenderest ties, we are ripening for a dissolution.

"The present mode of supplying the army by State purchases, is not one of the least considerable defects of our system. It is too precarious a dependence, because the States will never be sufficiently impressed with our necessities. Each will make its own ease a primary object, the supply of the army a secondary one. The variety of channels through which the business is transacted, will multiply the number of persons employed, and the opportunities of embezzling public money. From the popular spirit on which most of the governments turn, the State agents will be men of less character and ability; nor will there be so rigid a responsibility among them as there might easily be among those in the employ of the continent; of course not so much diligence, care, or economy. Very little of the money raised in the several States will go into the continental treasury, on pretence that it is all exhausted in providing the quotas of supplies, and the public will be without funds for the other demands of government. The expense will be ultimately much greater, and the advantage much smaller. We actually feel the insufficiency of this plan, and have reason to dread, under it, a ruinous extremity of want.

"These are the principal defects in the present system that now occur to me. There are many inferior ones in the organization of particular departments, and many errors of administration, which might be pointed out; but the task would be troublesome and tedious, and if we had once remedied those I have mentioned, the others would not be attended with much difficulty.

"I shall now propose the remedies which appear to me applicable to our circumstances, and necessary to extricate our affairs from their present deplorable situation.

"The first step must be to give Congress powers competent to the public exigencies. This may happen in two

ways: one by resuming and exercising the discretionary powers I suppose to have been originally vested in them for the safety of the States, and resting their conduct on the candor of their countrymen and the necessity of the conjuncture; the other, by CALLING IMMEDIATELY A CONVENTION OF ALL THE STATES, WITH FULL AUTHORITY TO CONCLUDE FINALLY UPON A GENERAL CONFEDERATION, stating to them beforehand explicitly the evils arising from a want of power in Congress, and the impossibility of supporting the contest on its present footing, that the delegates may come possessed of proper sentiments, as well as proper authority, to give efficacy to the meeting. Their commission should include a right of vesting Congress with the whole or a proportion of the unoccupied lands, to be employed for the purpose of raising a revenue, reserving the jurisdiction to the States by whom they are granted.

"The first plan, I expect, will be thought too bold an expedient by the generality of Congress; and, indeed, their practice hitherto has so riveted the opinion of their want of power, that the success of this experiment may very well be doubted.

"I see no objection to the other mode that has any weight in competition with the reasons for it. The convention should assemble the first of November next; the sooner the better; our disorders are too violent to admit of a common or lingering remedy The reasons for which I require them to be vested with plenipotentiary authority are, that the business may suffer no delay in the execution, and may in reality come to effect. A convention may agree upon a confederation; the States, individually, hardly ever will. We must have one, at all events, and a vigorous one, if we mean to succeed in the contest and be happy hereafter. As I said before, to engage the States to comply with this mode, Congress ought to con-

fess to them, plainly and unanimously, the impracticability of supporting our affairs on the present footing, and without a solid coercive union. I ask that the convention should have a power of vesting the whole or a part of the unoccupied lands in Congress, because it is necessary that body should have some property, as a fund for the arrangements of finance; and I know of no other kind that can be given them.

"The confederation, in my opinion, should give Congress a complete sovereignty; except as to that part of internal police which relates to the rights of property and life among individuals, and to raising money by internal taxes. It is necessary that every thing belonging to this should be regulated by the State legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance; and to the management of foreign affairs; the right of declaring war, of raising armies, officering, paying them, directing their motions in every respect; of equipping fleets, and doing the same with them; of building fortifications, arsenals, magazines, &c., &c.; of making peace on such conditions as they think proper; of regulating trade, determining with what countries it shall be carried on; granting indulgences; laying prohibitions on all the articles of export or import; imposing duties, granting bounties and premiums for raising, exporting, or importing; and applying to their own use the product of these duties, only giving credit to the States on whom they are raised in the general account of revenues and expense; instituting admiralty courts, &c.; of coining money, establishing banks on such terms, and with such privileges, as they think proper; appropriating funds, and doing whatever else relates to the operations of finance; transacting every thing with foreign nations; making alliances, offensive and defensive, treaties of commerce, &c., &c.

"The confederation should provide certain perpetual revenues, productive and easy of collection; a land tax, poll tax, or the like, which, together with the duties on trade, and the unlocated lands, would give Congress a substantial existence, and a stable foundation for their schemes of finance. What more supplies were necessary, should be occasionally demanded of the States, in the present mode of quotas.

"The second step I would recommend is, that Congress should instantly appoint the following great officers of state: A Secretary for Foreign Affairs; a President of War; a President of Marine; a Financier; a President of Trade; instead of this last, a Board of Trade may be preferable, as the regulations of trade are slow and guarded, and require prudence and experience, (more than other qualities,) for which Boards are very well adapted.

"Congress should choose for these offices, men of the first abilities, property, and character, in the continent; and such as have had the best opportunities of being acquainted with the several branches. General Schuyler, whom you mentioned, would make an excellent President of War; General McDougall a very good President of Marine; Mr. Robert Morris would have many things in his favor for the department of Finance. He could, by his own personal influence, give great weight to the measures he should adopt. I dare say, men equally capable may be found for the other departments.

"I know not if it would not be a good plan to let the Financier be President of the Board of Trade; but he should only have a casting voice in determining questions there. There is a connection between trade and finance, which ought to make the director of one acquainted with the other; but the financier should not direct the affairs

of trade, because for the sake of acquiring reputation by increasing the revenues, he might adopt measures that would depress trade. In what relates to finance he should be alone.

"These officers should have nearly the same powers and functions as those in France analogous to them, and each should be chief in his department, with subordinate Boards, composed of assistants, clerks, &c., to execute his orders.

"In my opinion, a plan of this kind would be of inconceivable utility to our affairs; its benefits would be very speedily felt. It would give new life and energy to the operations of government. Business would be conducted with despatch, method, and system. A million of abuses now existing would be corrected, and judicious plans would be formed and executed for the public good.

"Another step of immediate necessity is, to recruit the army for the war, or at least for three years. This must be done by a mode similar to that which is practised in Sweden. There the inhabitants are thrown into classes of sixteen, and when the sovereign wants men, each of these classes must furnish one. They raise a fixed sum of money, and if one of the class is willing to become a soldier, he receives the money and offers himself a volunteer; if none is found to do this, a draft is made, and he on whom the lot falls, receives the money, and is obliged to serve. The minds of the people are prepared for a thing of this kind; the heavy bounties they have been obliged to pay for men to serve a few months, must have disgusted them with this mode, and made them desirous of another, that will, once for all, answer the public purposes, and obviate a repetition of the demand. It ought by all means to be attempted; and Congress should frame a general plan, and press the execution upon the States. When the

confederation comes to be framed, it ought to provide for this, by a fundamental law; and hereafter there would be no doubt of the success. But we cannot now wait for this: we want to replace the men whose times of service will expire the first of January; for then, without this, we shall have no army remaining, and the enemy may do what they please. The general, in his letter already quoted, has assigned the most substantial reasons for paying immediate attention to this point.

"Congress should endeavor, both upon their credit in Europe, and by every possible exertion in this country, to provide clothing for their officers, and should abolish the whole system of State supplies. The making good the depreciation of the currency, and all other compensations to the army, should be immediately taken up by Congress, and not left to the States; if they would have the accounts of depreciation liquidated, and governmental certificates given for what is due, in specie, or an equivalent to specie, it would give satisfaction, appointing periodical settlements for future depreciation.

"The placing the officers upon half-pay, during life, would be a great stroke of policy, and would give Congres a stronger tie upon them than any thing else they can do. No man, that reflects a moment, but will prefer a permanent provision of this kind, to any temporary compensation; nor is it opposed to economy; the difference between this, and what has been already done, will be insignificant. The benefit of it to the widows, should be confined to those whose husbands die during the war. As to the survivors, not more than one-half, on the usual calculation of men's lives, will exceed the seven years for which the half-pay is already established. Besides this, whatever may be the visionary speculations of some men at this time, we shall find it indispensable, after the war,

to keep on foot a considerable body of troops; and all the officers retained for this purpose, must be deducted out of the half-pay list. If any one will take the pains to calculate the expense on these principles, I am persuaded he will find the addition of expense from the establishment proposed, by no means a national object.

"The advantages of securing the attachment of the army to Congress, and binding them to the service, by substantial ties, are immense.

"We should, then, have discipline; an army in reality, as well as in name. Congress would then have a solid basis of authority and consequence; for with me it is an axiom, that in our constitution an army is essential to the American union.

"The providing of supplies, is the pivot of every thing else; (though a well constituted army would not, in a small degree, conduce to this, by giving consistency and weight to government,) there are four ways, all which must be united,—a foreign loan,—heavy pecuniary taxes, —a tax in kind,—a bank founded on public and private credit.

"As to a foreign loan, I dare say, Congress are doing every thing in their power to obtain it. The most effectual way will be, to tell France that without it, we must make terms with Great Britain. This must be done with plainness and firmness, but with respect and without petulance; not as a menace, but as a candid declaration of our circumstances. We need not fear to be deserted by France; her interest and honor are too deeply involved in our fate; and she can make no possible compromise. She can assist us, if she is convinced it is absolutely necessary, either by lending us, herself, or by becoming our surety, or by influencing Spain. It has been to me astonishing, how any man could have doubted, at any period of our affairs, of

the necessity of a foreign loan. It was self-evident that we had not a fund of wealth in this country, capable of affording revenues equal to the expenses. We must, then, create artificial revenues, or borrow; the first was done, but it ought to have been foreseen, that the expedient could not last, and we should have provided in time for its failure.

"Here was an error of Congress. I have good reason to believe, that measures were not taken in earnest early enough to procure a loan abroad: I give you my honor, that from our first outset, I thought as I do now; and wished for a foreign loan, not only because I foresaw it would be essential, but because I considered it a tie upon the nation from which it was derived, and as a mean to prop our cause in Europe.

"Concerning the necessity of heavy pecuniary taxes, I need say nothing, as it is a point in which every body is agreed; nor is there any danger, that the product of any taxes raised in this way, will overburthen the people, or exceed the wants of the public. Indeed, if all the paper in circulation were drawn annually into the treasury, it would neither do one nor the other.

"As to a tax in kind, the necessity of it results from this principle,—that the money in circulation is not a sufficient representative of the productions of the country, and consequently no revenues raised from it, as a medium, can be a competent representative of that part of the products of the country, which it is bound to contribute to the support of the public. The public, therefore, to obtain its due, or satisfy its just demands or its wants, must call for a part of these products themselves. This is done in all those countries which are not commercial; in Russia, Prussia, Denmark, Sweden, &c., and is peculiarly necessary in our case.

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"Congress, in calling for specific supplies, seem to have had this in view; but their intention has not been answered. The States, in general, have undertaken to furnish the supplies by purchase,—a mode, as I have observed, attended with every inconvenience, and subverting the principle on which the supplies were demanded,—the insufficiency of our circulating medium, as a representative for the labor and commodities of the country. It is, therefore, necessary, that Congress should be more explicit; should form the outlines of a plan for a tax in kind, and recommend it to the States, as a measure of absolute necessity.

"The general idea I have of a plan is, that a respectable man should be appointed by the State in each county to collect the taxes, and form magazines; that Congress should have in each State an officer to superintend the whole, and that the State collectors should be subordinate and responsible to them. This continental superintendent might be subject to the general direction of the quartermaster-general, or not, as might be deemed best; but if not subject to him, he should be obliged to make monthly returns to the President at War, who should instruct him what proportion to deliver to the quartermaster-general. It may be necessary, that the superintendents should sometimes have power to dispose of the articles in their possession, on public account; for it would happen, that the contributions, in places remote from the army, could not be transported to the theatre of operations without too great expense; in which case, it would be eligible to dispose of them, and purchase with the money so raised in the counties near the immediate scene of war.

"I know the objections which may be raised to this plan,—its tendency to discourage industry and the like; but necessity calls for it; we cannot proceed without, and

less evils must give place to greater. It is, besides, practised with success in other countries, and why not in this? It may be said, the examples cited are from nations under despotic governments, and that the same would not be practicable with us; but I contend, where the public good is evidently the object, more may be effected in governments like ours, than in any other. It has been a constant remark, that free countries have ever paid the heaviest taxes; the obedience of a free people to general laws, however hard they bear, is even more perfect than that of slaves to the arbitrary will of a prince. To this, it may be added, that Sweden was always a free government, and is so now, in a great degree, notwithstanding the late revolution.

"How far it may be practicable to erect a bank on the joint credit of the public, and of individuals, can only be certainly determined by the experiment; but it is of so much importance that the experiment ought to be fully tried. When I saw the subscriptions going on to the bank established for supplying the army, I was in hopes it was only the embryo of a more permanent and extensive establishment. But I have reason to believe I shall be disappointed. It does not seem to be at all conducted on the true principles of a bank. The directors of it are purchasing with their stock, instead of bank notes as I expected; in consequence of which, it must turn out to be a mere subscription of a particular sum of money, for a particular purpose.

"Paper credit never was long supported in any country, on a national scale, where it was not founded on the joint basis of public and private credit. An attempt to establish it on public credit alone, in France, under the auspices of Mr. Law, nearly ruined the kingdom. We have seen the effects of it in America; and every succes-

sive experiment proves the futility of the attempt. Our new money is depreciating almost as fast as the old, though it has, in some States, as real funds as paper money ever had. The reason is, that the moneyed men have not an immediate interest to uphold its credit. They may even, in many ways, find it their interest to undermine it. The only certain manner to obtain a permanent paper credit, is to engage the moneyed interest immediately in it, by making them contribute the whole or part of the stock, and giving them the whole or part of the profits.

"The invention of banks, on the modern principle, originated in Venice. There, the public, and a company of moneyed men, are mutually concerned. The Bank of England unites public authority and faith, with private credit; and hence we see what a vast fabric of paper credit is raised on a visionary basis. Had it not been for this, England would never have found sufficient funds to carry on her wars; but with the help of this, she has done, and is doing, wonders. The Bank of Amsterdam is on a similar foundation.

"And why cannot we have an American bank? Are our moneyed men less enlightened to their own interest, or less enterprising in the pursuit? I believe the fault is in government, which does not exert itself to engage them in such a scheme. It is true, the individuals in America are not very rich; but this would not prevent their instituting a bank; it would only prevent its being done with such ample funds as in other countries. Have they not sufficient confidence in the government, and in the issue of the cause? Let the government endeavor to inspire that confidence, by adopting the measures I have recommended, or others equivalent to them. Let it exert itself to procure a solid confederation,—to establish a good plan of executive administration,—to form a permanent military

force,—to obtain, at all events, a foreign loan. If these things were in a train of vigorous execution, it would give a new spring to our affairs; government would recover its respectability, and individuals would renounce their diffidence.

"The object I should propose to myself, in the first instance, from a bank, would be an auxiliary mode of supplies; for which purpose contracts should be made between government and the bank, on terms liberal and advantageous to the latter. Every thing should be done, in the first instance, to encourage the bank; after it gets well established, it will take care of itself, and government may make the best terms it can for itself.

"The first step to establishing the bank, will be to engage a number of moneyed men of influence to relish the project, and make it a business. The subscribers to that lately established, are the fittest persons that can be found; and their plan may be interwoven.

"The outlines of my plan would be to open subscriptions, in all the States, for the stock, which we will suppose to be one million of pounds. Real property, of every kind, as well as specie, should be deemed good stock; but at least a fourth part of the subscription should be in specie or plate. There should be one great company, in three divisions; in Virginia, Philadelphia, and at Boston; or two, at Philadelphia and Boston. The bank should have a right to issue bank notes, bearing two per cent. interest for the whole of their stock; but not to exceed it. These notes may be payable every three months, or oftener; and the faith of government must be pledged for the support of the bank. It must, therefore, have a right, from time to time, to inspect its operations; and must appoint inspectors for the purpose.

"The advantages of the bank may consist in this: in

the profits of the contracts made with government, which should bear interest, to be annually paid in specie; in the loan of money at interest, say six per cent.; in purchasing lives by annuities, as practised in England, &c. The benefit resulting to the company is evident, from the consideration, that they may employ in circulation a great deal more money than they have specie in stock, on the credit of the real property which they will have in other use. This money will be employed, either in fulfilling their contracts with the public, by which, also, they will gain a profit, or in loans, at an advantageous interest, or in annuities.

"The bank may be allowed to purchase plate and bullion, and coin money, allowing government a part of the profit.

"I make the bank notes bear interest, to obtain a readier currency, and to induce the holders to prefer them to specie, to prevent too great a run upon the bank, at any time, beyond its ability to pay.

"If government can obtain a foreign loan, it should lend to the bank, on easy terms, to extend its influence, and facilitate a compliance with its engagements. If government could engage the States to raise a sum of money in specie, to be deposited in bank, in the same manner, it would be of the greatest consequence. If government could prevail on the enthusiasm of the people, to make a contribution in plate, for the same purpose, it would be a master stroke. Things of this kind sometimes succeed in popular contests; and if undertaken with address, I should not despair of its success; but I should not be sanguine.

"The bank may be instituted for a term of years, by way of trial; and the particular privilege of coining money be for a term still shorter.

"A temporary transfer of it to a particular company

can have no inconvenience, as the government are in no condition to improve this resource; nor could it, in our circumstances, be an object to it; though with the industry of a knot of individuals, it might be a valuable one to them.

"A bank of this kind, even in its commencement, would answer the most valuable purposes to government, and to the proprietors; in its progress, the advantages will exceed calculation. It will promote commerce, by furnishing a more extensive medium, which we greatly want, in our circumstances. I mean a more extensive, valuable medium. We have an enormous nominal one at this time; but it is only a name.

"In the present unsettled state of things, in this country, we can hardly draw inferences, from what has happened in others; otherwise I should be certain of the success of this scheme; but I think it has enough in its favor to be worthy of trial.

"I have only skimmed the surface of the different subjects I have introduced. Should the plans recommended come into contemplation in earnest, and you desire my farther thoughts, I will endeavor to give them more form and particularity.

"I am persuaded a solid confederation, a permanent army, a reasonable prospect of subsisting it, would give us treble consideration in Europe, and produce a peace this winter.

"If a convention is called, the minds of all the States and the people ought to be prepared to receive its determinations by sensible and popular writings, which should conform to the views of Congress. There are epochs in human affairs, when *novelty* even is useful. If a general opinion prevails that the old way is bad, whether true or false, and this obstructs or relaxes the operations of the

public service, a change is necessary if it be but for the sake of change. This is exactly the case now. 'Tis an universal sentiment that our present system is a bad one, and that things do not go right on this account. The measure of a convention would revive the hopes of the people, and give a new direction to their passions, which may be improved in carrying points of substantial utility. The Eastern States have already pointed out this mode to Congress: they ought to take the hint, and anticipate the others.

"And in future, my dear sir, two things let me recommend, as fundamental rules for the conduct of Congress: to attach the army to them by every motive,—to maintain an authority, (not domineering,) in all their measures with the States. The manner in which a thing is done, has more influence than is commonly imagined. Men are governed by opinion: this opinion is as much influenced by appearances as by realities. If a government appears to be confident of its own powers, it is the surest way to inspire the same confidence in others. If it is diffident, it may be certain there will be a still greater diffidence in others, and that its authority will not only be distrusted, controverted, but contemned.

"I wish, too, Congress would always consider, that a kindness consists as much in the manner as in the thing. The best things, done hesitatingly, and with an ill grace, lose their effect, and produce disgust rather than satisfaction or gratitude. In what Congress have at any time done for the army, they have commonly been too late. They have seemed to yield to importunity, rather than to sentiments of justice, or to a regard to the accommodation of their troops. An attention to this idea is of more importance than it may be thought. I, who have seen all the workings and progress of the present discontents, am

convinced that a want of this has not been among the most inconsiderable causes.

"You will perceive, my dear sir, this letter is hastily written, and with a confidential freedom, not as to a member of Congress, whose feelings may be sore at the prevailing clamor; but as to a friend, who is in a situation to remedy public disorders,—who wishes for nothing so much as truth, and who is desirous for information, even from those less capable of judging than himself. I have not even time to correct and copy, and only enough to add, that I am, very truly and affectionately, dear sir," &c.

It will be observed that Hamilton proposed that the convention, to carry into effect his views, should meet within two months, "authorized to conclude finally on a general confederation." There is little doubt, had Congress avowed their inability to carry on the war advantageously without such a measure, appealing to the people of the United States to exert their sovereignty in the organization of a new vigorous government, the appeal would have been successful.

What the benefits of such a result, then accomplished, might have been to this country, a retrospect of the thirty years that followed would amply show.

The conclusion of a peace within a few months, Hamilton anticipated as a certain consequence. Released from the pressure of war, with a small national debt—with burdens so light as not to be felt,—with no motives to fetter industry in its competition with the European world,—their new institutions, during a profound peace, under the guidance of the men who had won their liberty, conformed to their new condition, and consolidated by a happy harmony, before the revolution of France shook the world with the evil influences of its mad philosophy,—become too formidable to be lightly insulted or injured by

belligerent nations,—in a firm neutrality gaining power and respect to their expanding empire,—their honor saved and morals elevated,—these were some of the blessings which the people of the United States would have derived from this early organization of an efficient government. Hamilton was indeed before the times in which he lived, and the people, to promote whose welfare his life was devoted, were doomed to suffer long and much more before his counsels were adopted. When the power of the Union was least, the jealousy of it was greatest; and it was objected to Hamilton then, as it has been since, that he regarded with too little confidence a system merely federative and advisory, and that he would have resorted to violent measures to supply the remedy. A careful examination of his progressive opinions and acts will show that nothing could be more untrue. An attempt the most false and flagrant had been made on this ground to excite distrust towards him. It was detected, defied and exposed, in lofty terms of conscious purity. The maligner, as has been shown, was the partisan of Gates, and a scoffer at Washington.*

The proceedings of the recent convention at Boston were submitted by Governor Clinton to the legislature of New York. "Our embarrassments in the prosecution of the war," he declared, "are chiefly to be attributed to a defect of power in those who ought to exercise a supreme jurisdiction; for while Congress only recommend, and the different States deliberate upon the propriety of the recommendation, we cannot expect a union of force or council." He wished a completion of the articles of confederation. Schuyler, as chairman of the committee of the Senate, to whom these proceedings were referred, reported an answer, which was accepted by the legislature

* Dr. Gordon.—Appendix, F.

on the ninth of September. "We perceive," it stated, "the defects in the present system, and the necessity of a supreme and coercive power in the government of these States, and are persuaded that, unless Congress are authorized to direct uncontrollably the operations of war, and enabled to *enforce* a compliance with their requisitions, the common force can never be properly united."

Want of power in the government was the great defect, and Schuyler wrote to Hamilton the next day: "Some here are for appointing a Dictator, with a Vice Dictator in each State, invested with all the powers conferred formerly by the Roman people on theirs." "I made great interest to be left out of the delegation, and obtained it, though with much difficulty; General McDougall is appointed in my stead."

A few days after Schuyler again wrote to him: "A spirit favorable to the common cause has pervaded almost both Houses. They begin to talk of a Dictator and Vice Dictators, as if it was a thing that was already determined on. To the convention to be held at Hartford, I believe I shall be sent, with instructions to propose that a Dictator should be appointed." "This mad project," as Hamilton pronounced it, met his instant reprobation. He discouraged it in the most earnest manner. Governor Clinton also opposed it. The project was abandoned. The resolutions of the assembly were not concurred in, but a joint resolution, proposed in the Senate, passed, of abundant force. The delegates were authorized "to propose and agree in the convention to all such measures as shall appear calculated to give a vigor to the governing powers, equal to the present crisis." Schuyler, Hobert and Benson, were appointed commissioners to Hartford.

The legislature did not stop here. In lieu of the appointment of Dictators, a violent substitute was proposed.

The delegates to the convention were instructed "to propose and agree, that Congress during the present war, or until a perpetual confederation shall be completed, should be explicitly authorized and empowered to exercise every power which they may deem necessary for the effectual prosecution of the war," and, that whenever it shall appear to them, that any State is deficient in its contributions, they should "direct the commander-in-chief without delay to march the army, or such part of it as may be requisite, into such State, and, by military force, compel it to furnish its deficiency." The only proviso was, that this grant of unlimited power should be concurred in by the four Eastern States. This resolution passed by an unanimous vote of the legislature, the last day of its session.

New York was now suffering in every nerve. Her seaport still in possession of the enemy, her supplies exhausted by the demands of the army, her northern frontier again desolated by incursions from Canada.

Rash as this proposal was, it was only to carry into effect upon a more extended scale a recent precedent of an important State. A few months previous, martial law was proclaimed in Pennsylvania, to enable the State officers to procure supplies for the army, and to expel strangers from Philadelphia.

The time was fruitful in harsh and lax expedients. Madison, recently elected to Congress by Virginia, proposed,* that the requisite supplies for the army, having been proportioned as accurately as practicable, "be *impressed* with vigor and impartiality, and paid for in certificates *not transferable*, redeemable at some period subsequent to the war, and bearing an intermediate interest." The advantages promised were—an anticipation "of the

* Madison to Jones, 1780. *Madison's Debates*, i. 55.

future revenues of peace," the "compelling the people to *lend* the public their commodities, and that it would be a *permanent* resource by which the war might be supported as long as the earth should yield its increase." It was to be a permanent system of impress—of forced loans—which, as a temporary and occasional resort, Hamilton had recently condemned, as "violent, unequal, oppressive, and odious."

CHAPTER XXIII.

During this period, hostilities had been resumed in South Carolina. A reinforcement, composed of the troops from Maryland and Delaware, with a small body of artillery, under the veteran De Kalb, delayed and divided for want of subsistence, moved on in small detachments, collecting and grinding corn, as they proceeded, for their daily food,* through upper North Carolina. At a ford on the Deep River, not far from Guilford Court House, his troops reunited early in July, pointing their course to the more fertile banks of the Yadkin. The militia of North Carolina, under Caswell, preceding him by a more southern route, were beyond the Pedee on the road to Camden.

In the beginning of June, Hamilton, in the name of Washington, addressed Gates, who had retired to his residence in Virginia, the inquiry, whether his private affairs would permit him to take the field; and if so, when he would be at camp? The object of the inquiry was, in the general disposition of the army for the opening campaign, to indicate his command.

Official advices being received of the fall of Charleston and of the capture of Lincoln, Washington contemplated Greene as his successor. But Congress, by a unanimous

* Marshall, i. 341.

vote on the thirteenth of June, elected Gates to this important station. Full powers were given to him to call on the Southern States for troops and supplies, and to appoint all the staff officers necessary to organize an army.

Great hopes were indulged by those ignorant of this officer, that his military genius would retrieve what had been lost. "Our affairs to the southward look blue," is the language of a member of the Board of War. "So they did when you took the command before the Burgoynade. I can only now say, 'Go and do likewise.'" * General Lee, with a more just measure of his abilities, pressing him by the hand, as they parted, bade him bear in mind, that "the laurels of the North must not be exchanged for the willow of the South." †

This command was conferred by Congress without consulting Washington, an act which confirmed intimations of the revival of the cabal against him. At the close of the previous year, General Sullivan wrote to the commander-in-chief, stating that "the faction raised against him in seventy-seven was not yet destroyed. The members are waiting to collect strength, and seize some favorable moment to appear in force. I speak not from conjecture, but certain knowledge. Their plan is, to take every method of proving the danger from a commander who enjoys the full and unlimited confidence of his army, and alarm the people with imaginary evils; nay, they will endeavor to convert your virtues into arrows, with which they will seek to torment you. The next step is, to persuade Congress that the military power of America should be placed in three or four different hands; each having a different quarter of the continent assigned him, each commander to answer to Congress

* Richard Peters to Gates, June 15, 1780.

† Lee's Southern War, i. 224—note.

only for his conduct. This, they say, will prevent an aspiring commander from enslaving his country, and put it in the power of Congress, with the assistance of the other commanders, to punish the attempt. This is a refinement in politics, and an improvement on public virtue, which Greece or Rome could never boast." He cautioned Washington to be on his guard. "Appearances may deceive even an angel. Could you have believed, four years since, that those adulators, those persons so tenderly and so friendly used, as were Gates, Mifflin, Reed and Tudor, would become your secret and bitter, though unprovoked, enemies? If we view them now, we cannot help lamenting the want of sincerity in mankind."

"I am very confident," General Greene wrote in camp,* "that there is party business going on again, and, as Mifflin is connected with it, I doubt not its being a revival of the old scheme. The measure now taking, is, to be prepared to take advantage of every opening, which the distresses of the army may introduce. I wish I may be mistaken, but measures strongly indicate such a disposition." Soon after,† he writes from Philadelphia: As to "a new army plan, which," he says, would starve and disband the army in a fortnight. "General Schuyler and others consider it a plan of Mifflin's to injure your excellency's operations. I am now fully convinced of the reality of what I suggested to you before I came away." "Mifflin has got the Massachusetts delegates into his house in town, upon very moderate terms, and, it is said, with a view of strengthening himself in that quarter. Depend upon it, he has a scheme in concert with others. Public business is in a wretched train."

The rising influence of this cabal had been seen in the menaced suspension of Greene, looking beyond him to the

* Washington's Writings, vi. 492. † March 28, 1780.

commander-in-chief. This was principally shown in the discussions on the recent appointment of the committee of co-operation, both as to the extent of its powers and its numbers. La Luzerne, in a despatch to Vergennes, states: "A committee of three was proposed. Warm debates ensued. It was said, that this would be putting too much power in a few hands, and especially in those of the commander-in-chief; that his influence was already too great; that even his virtues afforded motives for alarm; that the enthusiasm of the army, joined to the kind of dictatorship already confided to him, put Congress and the United States at his mercy; that it was not expedient to expose a man of the highest virtues to such temptations. It was then proposed, that the committee should consist of one member from each State. This proposition failed, on the ground that the operations of so large a number would be subject to all the delays which had been complained of in Congress. After a long and animated debate, the motion for a committee of three prevailed."* Its powers, it has been seen, were much circumscribed.

Gates hastened to the camp of De Kalb, was received with loud gratulations, and assumed the command on the twenty-fifth of July. Two days after, without time to gather information, and cautioned not to proceed by a direct road, he moved by the nearest route toward the advanced post of the British on Lynch's Creek. "The motives assigned by him were, the necessity of uniting with Caswell, the danger of dispiriting the troops and intimidating the people" by pursuing an indirect route, and assurances of supplies to overtake him.† Colonel Otho H. Williams, of Maryland, speaks in a letter to Hamilton of their "long march in a barren country, with very little

* Washington's Writings, vii. 15—note. † Marshall, i. 342.

other subsistence than a short allowance of fresh beef, green corn, apples and peaches."

After effecting a junction with Caswell and the brave Porterfield with his small body of Virginians, Gates reached Clermont, a short distance north of Camden, at which place Lord Rawdon was. This officer had, on the first of the previous month, signalized his command by an act of extreme severity. The policy of the British commanders, first granting paroles as prisoners, or protections as British subjects* to the subjugated people of South Carolina, was successful. A general submission followed, and an unusual calm. Misled by this quiet, it was supposed, that the inhabitants would give active aid in extending the conquests to the adjacent States. A proclamation soon after appeared, revoking the paroles, and calling "upon the holders of them to resume the character of British subjects, and to take part in the military operations under pain of being treated as rebels." Many acquiesced—others fled the State. These exiles were soon called upon by General Sumter—a fierce, stern soldier who had commanded a continental regiment—to rally in opposition to their persecutors, prompted to this step, not only by a sense of duty to his country, but by personal injury, for his domestic peace had been disturbed, his family unhoused, and their abode reduced to ashes. Of his followers, some were armed with weapons rudely formed from the utensils of their farms, others rifled the dead and wounded of the enemy to supply themselves. Their number was increased by deserters from the British army. To check this desertion, Rawdon issued an order threatening to whip, imprison, or transport to the West Indies every person harboring or not securing these

* Ramsay's S. C. ii. 114.

deserters, and offering a reward for the head of each of them, and half the amount, if taken alive. To compel the aid of the Americans, he confined those refusing to serve under him in a common jail.

Such a policy produced its natural effect. Sumter's small band was soon augmented, encouraged by partial success. This larger body, though repulsed at Rocky Mount, an eminence near the Catawba, was ever alert in pursuit of detachments of the enemy; and soon after, having joined Major Davie with his horsemen, the freedom-loving sons of the wild hills of Mecklenburg routed, destroyed and dispersed a British regiment and a body of their adherents at the Hanging Rock.

On the day that the Virginians joined Gates, an express from Sumter apprised him that he was in pursuit of an escort of supplies to Rawdon. Weak as Gates was in men, he detached a party of infantry under Colonel Woolford, to his aid, and decided to co-operate with him by the advance of his army at nightfall.

The fifteenth day of August had closed, when Gates broke up his encampment, intending to take post between Saunders' Creek and Green Swamp, eight miles from Camden, hoping the next day to surprise the enemy, who were concentrated there.

A request had been preferred to Gates, to aid the officers in command of two fragments of cavalry regiments to fill up their ranks, that they might join him in force. The battles of Saratoga had been won without cavalry, and, such was his infatuation, he supposed he could also dispense with it, on the plains of the South, contending with an enemy whose most dangerous strength was his disciplined, hardy dragoons under their daring commanders. "If good fortune begets presumption instead of increasing circumspection and diligence, it is the precursor

of deep and bitter adversity." Such is the comment of the bold, enterprising horseman, Henry Lee.*

Gates, indeed, supposed his force numbered seven thousand men, which Williams, his adjutant-general, showed him, by the returns, only amounted to three thousand and fifty-two, fit for duty, but one-third, including Armand's dragoons and three companies of Harrison's artillery, being regulars. "There are enough for our purpose," was his answer, and he gave the order to march, which began at ten at night.

Cornwallis, apprised of the advance of the Americans from the north, and of the rising spirit of the country—for while Sumter was near Camden, Marion was in arms below between the sluggish waters of the Pedee and Santee; and Pickens with his mounted rifles was ranging to the west, among the hills between the Saluda and the Savannah—hastened from Charleston to Camden. Here he took the command on the day of Gates's arrival at Clermont. His force consisted of nineteen hundred regulars and four hundred militia. With this small body, fearing each day would add to the numbers of his adversary, he resolved to surprise him. With this purpose, he moved from Camden at the hour Gates, unaware of his arrival, moved towards it. The usual precaution of sending forward scouts was not taken by Gates. He proceeded on his dark route; and at two in the morning, the advance of the hostile armies, mutually surprised, met in the woods. Skirmishes ensued, disadvantageous to the Americans, and at break of day, the British front was seen, approaching in column.

The Americans were formed in two lines. The second Maryland brigade and the regiment from Delaware on the right, under Gist. The Virginia militia, under Stevens,

* Lee's Southern War, i. 161.

on the left. Those from North Carolina, under Caswell, composed the centre.

Ere this disposition was made, Gates was amazed by information derived from a prisoner, that Cornwallis was at the head of the British army, marching upon him. The general officers were forthwith convened in the rear of the line. "What is to be done?" Stevens asked, "is it not too late to do any thing but fight?" De Kalb would have fallen back to the stronger position at Clermont, there to await the enemy. His opinion was not sustained, and Gates, disconcerted, ordered the officers to their posts. On either flank of his army was a morass, the two approaching so near to each other as to enable him by the narrowed ground to form a second line. This consisted of the first Maryland brigade under the gallant Smallwood. De Kalb took his position on the right. Gates on the road between the first and second lines. Stevens with his Virginians was ordered to commence the attack. A small fire of artillery was opened on the enemy, when an impetuous charge was made by the right of the British under Colonel Webster, with his legion. The Virginia militia on whom it came, their brave commander in vain urging them to the use of the bayonet, threw down their loaded muskets and fled away. The troops under Armand, who endeavored to rally them, "displayed a good countenance, but were soon borne down by the charge of the legion." The North Carolina militia, except one regiment commanded by Colonel Dixon, an old continental officer, followed. Tarleton charged them furiously as they broke, and on they ran. The enemy out of sight, Gates endeavored to rally the flying men, but in vain, the rear pressed on the foremost fugitives. Gates would not be outrun. He hurried to his former station at Clermont, there, as was said, to cover the retreat of the continental troops.

Believing them also to have been routed, he gave up all as lost, fled to Charlotte, eighty miles from the field of battle, whence, leaving General Caswell to assemble the neighboring militia, he made his rapid way to Hillsborough, Armand shouting, from time to time, "a horn"—"a horn."*

The continental troops were left without orders! Too brave to retreat, when retreat would have been fully justified, by the flight of the militia, they resolved to maintain their position. The charge of Rawdon, in command of the British left, was firmly met by General Gist. Again and again the bayonet was pushed. No ground was gained. Webster, having put the militia to flight, now wheeled upon the first Maryland brigade, Smallwood leading them to the support of the second. Disordered at first by the dashing sudden charge, these brave soldiers rallied and renewed the action. Outnumbered, they again broke, and again formed to cover and support their comrades of the second brigade in close conflict with Rawdon.

Cornwallis, perceiving the Americans had but a few straggling horse, darted on with his dragoons, his infantry charging with their bayonets. The utmost gallantry of the Americans could no longer maintain the unequal fight. At last, the survivors fled to the woods, and to the swamps, leaving De Kalb on the battle field, a prisoner, pierced with eleven wounds. The last breath of this gallant native of Alsace was spent dictating a letter to his aid, of warmest affection to his division and of exalted admiration of their courage and good conduct.†

In this severe conflict more than a third of the regulars were killed or wounded. The Delaware regiment was almost destroyed. "We were truly unfortunate," Otho Williams writes to Hamilton a few days after, "and completely routed. The infamous cowardice of the militia

* Related by one of his Staff. † Marshall, i. 347.

of Virginia and North Carolina gave the enemy every advantage over our few regular troops, whose firm opposition and gallant behavior have gained them the applause, as well of our successful foes, as of our runaway friends. Our retreat was the most mortifying that could have happened. Those who escaped the dangers of the field, knew not where to find protection. The wounded found no relief from the inhabitants, who were immediately in arms against us; and many of our fugitive officers and men were disarmed by those faithless villains, who had flattered us with promises of joining us against the enemy."

Enclosing his recent important letter to Duane, Hamilton wrote him on the sixth of September:

"The letter accompanying this has lain by two or three days for want of an opportunity. I have heard since of Gates's defeat, a very good comment on the necessity of changing our system. His passion for militia, I fancy, will be a little cured; and he will cease to think them the best bulwark of American liberty. What think you of the conduct of this great man? I am his enemy personally, for unjust and unprovoked attacks upon my character; therefore, what I say of him ought to be received as from an enemy; and have no more weight than as it is consistent with fact and common sense. But did ever any one hear of such a disposition or such a flight? His best troops placed on the side strongest by nature, his worst on that weakest by nature, and his attack * made by these. 'Tis impossible to give a more complete picture of military absurdity. It is equally against the maxims of war and common sense. We see the consequences; his left ran away, and left his right uncovered. His right wing, turned on the left, has in all probability been cut off.

* The same comment is to be seen by General Lee, Southern War, i. 179.

Though, in truth, the general seems to have known very little of what became of his army. Had he placed his militia on his right, supported by the morass, and his continental troops on his left, where it seems he was most vulnerable, his right would have been more secure, and his left would have opposed the enemy; and instead of going backward when he ordered to attack, would have gone forward. The reverse of what has happened might have happened. But was there ever an instance of a general running away, as Gates has done, from his whole army? And was there ever so precipitous a flight? One hundred and eighty miles in three days and a half! It does admirable credit to the activity of a man at his time of life. But it disgraces the general and the soldier. I always believed him to be very far short of a Hector or a Ulysses. All the world, I think, will begin to agree with me. But what will be done by Congress? Will he be changed, or not? If he is changed, for God's sake, overcome prejudice and send GREENE. You know my opinion of him. I stake my reputation on the events, give him but fair play. But above all things, let us have, without delay, a VIGOROUS GOVERNMENT and a well constituted ARMY FOR THE WAR."

On the same day, he wrote to a near friend: "This event will have very serious consequences to the southward. People's imaginations have already given up North Carolina and Virginia; but I do not believe either of them will fall. I am certain Virginia cannot. This misfortune affects me less than others, because it is not in my temper to repine at events that are past, but to endeavor to draw good out of them; and because I think our safety depends on a total change of system, and this change of system will only be produced by misfortune."*

* Tarleton, i. 109, indicates the errors of Gates: 1. "Not breaking in

Gates, overwhelmed by his disgrace, wrote to Washington in plaintive, submissive terms. He would "most cheerfully submit to the orders of Congress and resign an office few generals would be anxious to possess; and where the utmost skill and fortitude are subject to be baffled by the difficulties which for a time must surround the chief in command here.

"That your excellency may meet with no such difficulties; that your road to fame and fortune may be smooth and easy," was "his sincere wish." He announced to him the surprise and defeat of Sumter by Tarleton, with much carnage, two days after his own.

The endeavor of Hamilton to draw good out of misfortunes is seen in his letters of this period. The suggestions in the letter of the twentieth of the last month in relation to the army, were now before Congress. It was of the utmost moment to press the subject upon that body. With this view, five days after the preceding letter to Duane, he wrote in behalf of Washington to the President: "I am happy to find that the late disaster in Carolina has not been so great as its first features indicated.

"This event, however, adds itself to many others, to exemplify the necessity of an army, and the fatal consequences of depending on militia. Regular troops alone are equal to the exigencies of modern war, as well for defence as offence; and whenever a substitute is attempted, it must prove illusory and ruinous. No militia

upon the British communications as soon as he arrived near Lynch's creek." 2. "His second error was moving an army, consisting of young corps and undisciplined militia, in the night." 3. "His third error, in the disposition of his army before the action." 4. "His last and greatest fault was, attempting to make an alteration in the disposition the instant the two armies were going to engage, which circumstance could not escape the notice of a vigilant enemy, who, by a skilful and sudden attack, threw the American left wing into a state of confusion, from which it never recovered."

will ever acquire the habits necessary to resist a regular force. Even those nearest to the seat of war are only valuable as light troops to be scattered in the woods, and harass rather than do serious injury to the enemy. The firmness requisite for the real business of fighting is only to be attained by a constant course of discipline and service. I have never yet been witness to a single instance that can justify a different opinion; and it is most earnestly to be wished, that the liberties of America may no longer be trusted, in any material degree, to so precarious a dependence. I cannot but remark, that it gives me pain to find the measures pursuing at the southward still turn upon accumulating large bodies of militia, instead of once for all making a decided effort to have a permanent force. In my ideas of the true system of war at the southward, the object ought to be to have a good army rather than a large one. Every exertion should be made by North Carolina, Virginia, Maryland and Delaware, to raise a permanent force of six thousand men, exclusive of horse and artillery. These, with the occasional aid of the militia in the vicinity of the scene of action, will not only suffice to prevent the further progress of the enemy, but, if properly supplied, to oblige them to compact their force, and relinquish a part of what they hold. To expel them from the country entirely is what we cannot aim at, till we derive more effectual support from abroad; and by attempting too much, instead of going forward, we shall go backward. Could such a force be once on foot, it would immediately make an inconceivable change in the face of affairs, not only in the opposition to the enemy, but in expense, consumption of provisions, and waste of arms and stores. No magazines can be equal to the demands of an army of militia; and none ever needed economy more than ours. Speaking of magazines, I beg

leave to observe, that it is of infinite importance to endeavor to establish ample ones in the Southern States. In the course of the present month, the army here has had scarcely one-third of the established rations of meat; and our distress continues without any prospect of relief."

A few days after,* a communication from Duane to Washington shows the impression made upon him by Hamilton's letters, though his mind did not come up to his chief and leading suggestion. "We are deeply engaged," Duane wrote, "on the subjects of your excellency's letters. Considerable progress is made in that which is the principal, the raising a permanent army. Congress unite in sentiment, that it is essential; that it is the surest and the only means of producing an honorable peace. I find with great satisfaction, that the legislature of New York have fallen in with the view of the eastern convention, and particularly to strengthen the hands of Congress and enable them to enforce their decisions."

This letter was acknowledged in Washington's behalf by Hamilton, on the fourth of October:

"I thank you, my dear sir, for your letter of the nineteenth of September. I should have been happy in the information you give me that some progress has been made in the business of raising a permanent army, had it not been intimated to me through other channels, that in the resolutions framed on this article, the fatal alternative of *for one year* has been admitted. In my letter to Congress of the twentieth of August, I recommend a draft for the war or for three years, and say, 'a shorter *period than one year is inadmissible.*' You will perceive, however, that the general scope of my arguments looks to an army for the war, and any other idea crept in from an apprehension that this plan would not go down. The present junc-

* Sept. 19.

ture is in my opinion peculiarly favorable to a permanent army, and I regret that an opening is given for a temporary one. It also gives me pain to find that the pernicious State system is still adhered to by leaving the reduction, incorporation, &c., of the regiments to the particular States. This is one of the greatest evils of our affairs.

"I share with you the pleasure you feel from the measures taking to strengthen the hands of Congress. I am convinced, it is essential to our safety that Congress should have an *efficient* power. The want of it must ruin us.

"The satisfaction I have in any successes that attend us, or even in the alleviation of misfortunes is always allayed, by a fear that it will lull us into security. Supineness and a disposition to flatter ourselves seem to make parts of our national character. When we receive a check, and are not quite undone, we are apt to fancy we have gained a victory; and when we do gain any little advantage, we imagine it decisive, and expect the war is immediately to end. The history of the war is a history of false hopes, and temporary expedients. Would to God they were to end here. This winter, if I am not mistaken, will open a still more embarrassing scene than we have yet experienced to the southward. I have little doubt, should we not gain a naval superiority, that Sir Henry Clinton will detail to the southward to extend his conquests. I am far from being satisfied that we shall be prepared to repel his attempts.

"Reflections of this kind, to you, my dear sir, are unnecessary; I am convinced you view our affairs in the same scale that I do, and will exert yourself to correct our errors, and call forth our resources.

"The interview at Hartford produced nothing conclu-

sive, because neither side knew with certainty what was to be expected. We could only combine possible plans on the supposition of possible events, and engage mutually to do every thing in our power against the next campaign. Happy to rank you among the number of my friends, I speak to you with confidence."

The answer of Duane traces the evils, as a chief source, to the false opinions entertained and acted upon by the persons who were the leaders in the cabal against Washington. "A false estimate," he wrote, "of the power and perseverance of our enemies was friendly to the present Revolution, and inspired that confidence of success in all ranks of people, which was necessary to unite them in so arduous a cause. You cannot forget the opinions which were current on this floor during the first and second Congresses, and how firmly they established this error. We seem to part with it with reluctance. It still hangs heavily upon us, and has produced the indecision, the expedients, and the debility of which you complain. I hope misfortunes and distresses will at length rouse us to just sentiments and vigorous exertions; and, with your excellency, I pray God, that the fatal delusion, which has marked our conduct, may end here."

The long maturing plan for a "reform of the army" was brought to a conclusion on the third of October.

It provided that such of the sixteen additional regiments as had not been annexed to the line of any State, the separate light corps, and the German battalion be reduced, and incorporated with the troops of their respective States, those not belonging to any particular State to be annexed to such corps as the commander-in-chief should direct.—That the regular army should consist of four regiments of cavalry or light dragoons, four of artillery, forty-nine of infantry, and one of artificers; each regiment

of cavalry to consist of six troops of sixty-four men, each regiment of artillery of nine companies of sixty-five men, and each infantry regiment also of nine companies and sixty-four men. The regiment of artificers of eight companies, each of sixty men. The quotas of the several States were fixed. Each State was to select from the line of the army, officers to command its regiments, no new appointments to be made of a rank higher than lieutenant-colonel. It was recommended, that the regiments be filled by the first day of the next year by enlistments by the States for the war, with a proviso to supply deficencies by enlistments for a year—specified bounties to be granted. It was also resolved, that from the time the reform of the army takes place, the officers should be entitled to half pay for seven years in specie, or its equivalent money, and to the lands promised in seventy-six. This plan was to be submitted to the opinion of the commander-in-chief.

On receiving this new arrangement of the army, Hamilton, in behalf of Washington, wrote a full comment on the eleventh of October.

The necessity of reducing the regiments was admitted, but the difficulties attending the reduction were indicated; the object being "to show the necessity of guarding against the ill effects, by an ample provision, both for the officers who stay and those who are reduced." The straitened means of Congress preventing an adequate present provision, proved "the expediency of a future one, and induced again the recommendation of half pay for life, as the most economical, the most politic, the most effectual." "Supported by a prospect of permanent independence, the officers would be tied to the service, and would submit to many momentary privations, and to the inconveniences which the situation of public affairs makes unavoidable." "If the objection," it was added, "drawn

from the principle of this measure being incompatible with the genius of the government, was thought insurmountable," instead of half pay for seven years, whole pay for the same term was proposed, payable after the conclusion of peace. It was to be clearly understood, that the reduced officers were "to have the depreciation of their pay made good." In answer to the apprehended expense, it was observed, that "nothing could be more obvious, than that a sound military establishment and the interests of economy are the same."

In respect to the proposed number of regiments, it was shown, that the aggregate number of men was too small, reducing the total rank and file too low. The force of the enemy, estimated at near twenty thousand men, rendered necessary for effective purposes, a total of thirty thousand. To effect this result, a detailed modification of the regiments was given, and an increased number of officers suggested. Instead of cavalry, a legionary corps, to consist two-thirds of mounted dragoons and one-third dismounted, was proposed, for the reason, that the kind of service for horse almost constantly required the aid of infantry. Two partisan corps were earnestly recommended, one under Colonel Armand, the other under Major Lee—whose respective merits were set forth. An increase of one company to each regiment of artillery was advised, to prevent an irregular formation. The point most dwelt upon was, the alternative in the term of service, of one year; and the evils of temporary engagements were again indicated. "The alternative, if absolutely necessary, can be substituted hereafter." The reduction and incorporation of the regiments, it was wished, had been retained "under the direction of Congress. The mode of leaving it to the States is contrary to my sentiments, because it is an adherence to the State

system, and because, I fear, it will be productive of great confusion and discontent; and it is requisite, the business in contemplation be conducted with the greatest circumspection."

This letter produced its intended effect. The arrangement of the army it proposed was essentially adopted. The selection of the officers was to be made conjointly by the commander-in-chief and by the commanding officer of the Southern department, with the officers of each State. Where no agreements could be made, seniority was to determine. The reduced officers were to receive half pay for life, and also those who should continue in the service to the end of the war.

Thus these two objects, a permanent army and a provision for the officers, were accomplished—on paper.

Notwithstanding the time which had elapsed since the battle of Camden, nothing had been done in respect to the command of the Southern department. Hamilton is seen, on the first intelligence of the defeat of Gates, to have urged the appointment of Greene by Congress; who, in selecting Gates without concert with Washington, indicated a similar policy as to the department of the South, to that which prevailed in seventy-seven as to the Northern, the holding it under their immediate control.

But Camden had taught a lesson, and a better spirit prevailed. With the deference due to the commander-in-chief, and according to the true policy of war, on the fifth of October, the day after the passage of the new army arrangement, Washington was instructed to order a court of inquiry into the conduct of Gates, and to appoint an officer to relieve him.

The day after the resolutions of Congress were received by him, Washington, whose purpose had been formed, announced to Greene that he had selected him

for this important trust. He informed him that it was not only in consonance with his own inclination, but with the expressed "wishes of the delegates of the three Southern States most interested."

"This choice, when made public," La Fayette relates, "was generally approved by the army, but not to the high degree in which it was afterwards applauded. Congress and the country supposed the share of friendship in the choice, greater than it had been. Many suspended or flatly denied their approbation, until it was universally acknowledged, that in General Greene were united all the abilities and virtues which fitted him for this important command."

Having in a previous letter expressed the reliance which the commander-in-chief reposed on him, Hamilton, on the twenty-second of October, in the name of Washington, wrote General Greene officially, in terms of largest confidence: "Uninformed as I am of the enemy's force in that quarter, of our own, or of the resources which it will be in our power to command for carrying on the war, I can give you no particular instructions, but must leave you to govern yourself entirely according to your own prudence and judgment, and the circumstances in which you find yourself. I am aware, that the nature of the command will offer you embarrassments of a singular and complicated nature, but I rely upon your abilities and exertions for every thing your means will enable you to effect. I give you a letter to Congress, informing them of your appointment, and requesting them to give you such powers and such support, as your situation and the good of the service demand." He apprised him that Steuben had been ordered to join him, to aid "in the formation and regulation of the raw troops who would principally compose his army." The letter to Congress was

also written by Hamilton. During all this period Hamilton's thoughts were full of the great, comprehensive measures he had delineated to Duane. Writing on the twelfth of October to Sears, with whom he had formed an intimacy during the early struggles of the province of New York, he remarked:

"I was much obliged to you, my dear sir, for the letter which you did me the favor to write me since your return to Boston. I am sorry to find that the same spirit of indifference to public affairs prevails. It is necessary we should rouse, and begin to do our business in earnest, or we shall play a losing game. It is impossible the contest can be much longer supported on the present footing. We must have a government with more power. We must have a tax in kind. We must have a foreign loan. We must have a bank, on the true principles of a bank. We must have an administration distinct from Congress, and in the hands of single men under their orders. We must, above all things, have an army for the war, and an establishment that will interest the officers in the service.

"Congress are deliberating on our military affairs; but I apprehend their resolutions will be tinctured with the old spirit. We seem to be proof against experience. They will, however, recommend an army for the war, at least as a primary object. All those who love their country, ought to exert their influence in the States where they reside, to determine them to take up this object with energy. The States must sink under the burden of temporary enlistments, and the enemy will conquer us by degrees during the intervals of our weakness.

"Clinton is now said to be making a considerable detachment to the southward. My fears are high, my hopes low. We are told here, there is to be a Congress of the neutral powers at the Hague, for mediating of peace.

God send it may be true. We want it; but if the idea goes abroad, ten to one if we do not fancy the thing done, and fall into a profound sleep, till the cannon of the enemy awaken us next campaign.—This is our national character."

On the eighteenth of the same month he again wrote to Duane:

"I am sorry to find we do not seem to agree in the proper remedies to our disorders, at least in the practicability of applying those which are proper. Convinced, as I am, of the absolute insufficiency of our present system to our safety, if I do not despair of the republic, it is more the effect of constitution than of judgment. With the sentiments I entertain of Gates, I cannot but take pleasure in his removal; and with the confidence I have in Greene, I expect much from his being his successor; at least all his circumstances will permit. The part Congress have taken in the affair, in my opinion, does honor to their impartiality. I hope they will support the officer appointed with a liberal confidence; his situation, surrounded with difficulties, will need support. Of your influence for this purpose, I am too thoroughly persuaded of your patriotism to doubt."

He also wrote in behalf of Washington on the twenty-third of October to a Southern member of Congress: "Your Southern affairs wear a most disagreeable aspect, and prove more and more the necessity of renouncing that feeble system which has brought this country to so perplexing a crisis. If there were any hope of our councils assuming that complexion which the exigency demands, the progress of the enemy at this period would seem to me an advantage rather than an evil; for they have not force sufficient for such extensive conquests, and by spreading themselves out, as they are now doing, they

will render themselves vulnerable every where. But I see no chance of the change of which we stand in need, and therefore I fear they will realize their anticipations. You have your wish in the officer appointed to the Southern command. I think I am giving you a general, but what can a general do without men, without arms, without clothing, without stores, without provisions? Lee's corps will also go to the southward. I believe it will be found very useful. The corps itself is an excellent one, and the officer at the head of it has great resources of genius."

A letter from Colonel Harrison, Washington's secretary, to Hamilton, gives a view of the state of feeling in Congress at this time:

"We are only leaving Philadelphia. The most flattering attentions have been paid to Meade and myself, and such as would not permit us to progress before, unless we had shown ourselves entirely disregardless of the great world; besides, motives of a public nature concurred to make us stay thus long. From all I have seen and heard, there is a good disposition in Congress to do all they can for the army and the public interest, and there are many very sensible men among them. In general, they are most warmly attached to the general, and his recommendations will have their weight, while the same spirit prevails. It is said, there has been infinitely more harmony among them for some time past, than has appeared since the first years of their appointment. I am not, however, without some apprehension, that if they proceed in the case of Lee, &c., the MONSTER (PARTY), may show itself again, and that we may have a second edition of the measures adopted in the instance of Deane. Our friends, Sullivan and Carroll have been of great service; and gentlemen who are, or pretend to be, in the secrets of the cabinet, say they have contributed immeasurably, by their indepen-

dent conduct, to destroy the EASTERN ALLIANCE. Bland is very clever, and without question wishes to push on in the true and right road. Grayson says this is the best Congress we have had since the first. Our dear Laurens respects many of the members; and General Greene's appointment, I believe, is entirely consonant to the wishes of Congress in general, though we have heard there were members much disposed, if facts had not been so obstinate, to excuse General Gates. The former is here, and I suppose will set out in a day or two; Meade and I will serve him all we can. We have done what we could already. Apropos, you delivered him my letter. Our finances are entirely deranged, and there is little or no money in the treasury. I believe they are a subject of much consideration and puzzlement; the supplies of the army are also matters of present attention, but I don't know what will be done. I hope we shall, by Christmas, have some clothing from the West Indies, if the moth have not destroyed it;—a quantity it is said has been lying there. It is much to be wished that General Greene were at the South. The delegates from that quarter think the situation of Cornwallis delicate, and that by management, and a proper application and use of the force there, the late check given Ferguson might be improved into the earl's total defeat. This, I fear, is too much even to hope. The sending the baron is considered, as far as I have heard, perfectly right, and Lee's corps give great satisfaction. I am just about to mount my horse, and therefore shall say but little more. Laurens will write unto you in a few days, I suppose, and communicate any new occurrences. My love to the lads of the family,—the same to you. May you be long happy. My most respectful compliments to the general. Most truly and affectionately, &c."

A letter was at the same time received by Washington from La Fayette proposing an attack upon New York, to commence by the capture of Fort Washington. The state of opinion in France was referred to, as indicating the necessity of some decisive measure, and his own wish stated, "to undertake an expedition which may wear a brilliant aspect." Prudence forbade it. "It is impossible," Hamilton replied on the thirteenth of October, in Washington's name, "my dear marquis, to desire more ardently than I do to terminate the campaign by some happy stroke; but we must consult our means rather than our wishes, and not endeavor to better our affairs by attempting things which, for want of success, may make them worse. We are to lament that there has been a misapprehension of our circumstances in Europe, but, to endeavor to recover our reputation, we should take care that we do not injure it more. So far as my information goes, the enterprise would not be warranted."

Subsequent information seeming to warrant the attempt, the purpose was resumed. A feigned attack upon Staten Island was intended, and while the British forces were drawn off, a descent upon New York at night. Orders with this view were addressed to several officers by Hamilton over Washington's signature, on the twenty-first of November. Gouvion, the head of the engineer corps, was sent forward to reconnoitre under very precise instructions framed by him. Moylan to secure the crossing places of the Hackensack, and patrol secretly the western banks of the Hudson. Wayne to march his division towards Newark. Knox to have ready, pieces of artillery most proper to annoy shipping, and to cover a body of troops on their passage across a river, with a relief of horses. Boats with muffled oars were to be

mounted on good carriages. Orders were sent to Heath at West Point and to a detachment at White Plains, to march at an appointed time so as to join the main army, which was to move to the banks of the Hudson from the Passaic Falls, to support the advanced party. This party composed of the light infantry under La Fayette was to attack Fort Washington at night, between whom and Hamilton it had been concerted, that the latter was to have a command in this expedition, his plan of which exhibits, in all its details, uncommon military talent. The next day, the twenty-second of November, he wrote to Washington:

"Some time last fall, when I spoke to your excellency about going to the southward, I explained to you candidly my feelings with respect to military reputation, and how much it was my object to act a conspicuous part in some enterprise, that might perhaps raise my character as a soldier above mediocrity. You were so good as to say, you would be glad to furnish me with an occasion. When the expedition to Staten Island was afoot, a favorable one seemed to offer. There was a battalion without a field officer, the command of which, I thought, as it was accidental, might be given to me without inconvenience. I made an application for it through the marquis, who informed me of your refusal on two principles,—one, that the giving me a whole battalion might be a subject of dissatisfaction; the other, that if any accident should happen to me in the present state of your family, you would be embarrassed for the necessary assistance.

"The project you now have in contemplation affords another opportunity. I have a variety of reasons, that press me to desire ardently to have it in my power to improve it. I take the liberty to observe, that the command

may now be proportioned to my rank, and that the second objection ceases to operate, as during the period of establishing our winter-quarters, there will be a suspension of material business; besides which, my peculiar situation will, in any case, call me away from the army in a few days, and Mr. Harrison may be expected back early next month. My command may consist of one hundred and fifty or two hundred men, composed of fifty men of Major Gibbes' corps, fifty from Colonel Meigs' regiment, and fifty or an hundred more from the light infantry,—Major Gibbes to be my major. The hundred men from here may move on Friday morning towards ——, which will strengthen the appearances of Staten Island, to form a junction on the other side of the Passaic.

"I suggest this mode, to avoid the complaints that might arise from composing my party wholly of the light infantry, which might give umbrage to the officers of that corps, who on this plan can have no just subject for it.

"The primary idea may be, if circumstances permit, to attempt with my detachment Bayard's Hill. Should we arrive early enough to undertake it, I should prefer it to any thing else, both for the brilliancy of the attempt in itself, and the decisive consequences of which its success would be productive. If we arrive too late to make this eligible, (as there is reason to apprehend,) my corps may form the van of one of the other attacks, and Bayard's Hill will be a pretext for my being employed in the affair, on a supposition of my knowing the ground, which is partly true. I flatter myself, also, that my military character stands so well in the army, as to reconcile the officers in general to the measure All circumstances considered, I venture to say any exceptions which might be taken, would be unreasonable.

"I take this method of making the request to avoid the embarrassment of a personal explanation. I shall only add, that however much I have the matter at heart, I wish your excellency entirely to consult your own inclination, and not, from a disposition to oblige me, to do any thing that may be disagreeable to you. It will, nevertheless, make me singularly happy if your wishes correspond with mine."

Two days after, Hamilton wrote to his fellow aid, Colonel Humphreys, that intelligence having been received from New York, the plan was relinquished. "Never was a plan," Humphrey wrote, "better arranged, and never did circumstances promise more sure or complete success. The British were not only unalarmed, but our own troops were misguided in their operations."

On the twenty-eighth of November, the army took their winter-quarters, the Pennsylvania line near Morristown, the Jersey line at Pompton—the objects being to cover the country and the communication with the Delaware. The Connecticut, Rhode Island and New Hampshire troops in the Highlands upon the east side of the Hudson; the residue, those of Massachusetts, at West Point—head-quarters were to be in the vicinity at New Windsor.

On the same day La Fayette wrote to Hamilton, that he had addressed a letter to Washington, recommending him to the important place of adjutant-general. "I know," he writes, "the general's friendship and gratitude for you, my dear Hamilton: both are greater than you perhaps imagine. I am sure, he needs only to be told that something will suit you, and when he thinks he can do it he certainly will. Before this campaign I was your friend, and very intimate friend, agreeably to the ideas of the world. Since my second voyage, my sentiment has

increased to such a point the world knows nothing about." In his letter to Washington, La Fayette observed: "If, however, you were to cast your eye on a man, who, I think, would suit better than any other in the world, Hamilton is, I confess, the officer whom I should like to see in that station. With equal advantages, his services deserve from you the preference to any other. His knowledge of your opinions and intentions on military arrangements; his love of discipline; the superiority he would have over all the others, principally when both armies shall operate together; and his uncommon abilities, are calculated to render him perfectly agreeable to you. His utility would be increased by this preferment; and on other points he could render important services. An adjutant-general ought always to be with the commander-in-chief. Hamilton should, therefore, remain in your family; and his great industry in business would render him perfectly serviceable under all circumstances. On every public or private account, my dear general, I would advise you to take him." General Greene had written to the same effect from Richmond: "Colonel Scammell, perhaps, will be promoted to the rank of brigadier. At least it has been talked of. Should this take place, a new adjutant-general will be necessary; and I beg leave to suggest the propriety of giving this appointment to Colonel Hamilton. His services may not be less important to your excellency in your family business, if he only employs a deputy extraordinary." Washington replied to Greene, that, "without knowing Colonel Hamilton ever had an eye to the office of adjutant-general, I did recommend General Hand for reasons which may occur to you." A principal one was, as the adjutant-general, in the existing establishment of the inspectorship, was "the second officer in the line, and, that it would have

been disagreeable, therefore, to the present sub-inspectors, some of whom are full colonels, to have a lieutenant-colonel put over them."

A short time after, La Fayette again wrote to Hamilton: "I went to Morristown, where I met the general, and knowing that my letter could not reach him under some days, I became regardless of your wishes, and made a verbal application in my own name, and about the same time that had been settled between us. I can't express to you, my dear friend, how sorry and disappointed I felt, when I knew from him, the general, that (greatly in consequence of your advice) he had settled the whole matter with Hand, and written for him to Congress. I confess, I became warmer on the occasion than you would perhaps have wished me to be, and I wanted the general to allow my sending an express, who would have overtaken the letter, as it was in the hands of General St. Clair; but the general did not think it to be a convenient measure, and, I confess, I may have been a little blinded on its propriety. I took care not to compromise you in this affair, when the general expressed a desire to serve you, and in a manner you would have been satisfied with.

"Now for the voyage to France. Congress seem resolved that an *envoy be sent in the way you wish*, and this was yesterday determined in the House; next Monday the gentleman will be elected. I have already spoken to many members. I know of a number of voices that will be for you. This day, and that of to-morrow, will be by me employed in paying visits. As soon as the business is fixed upon, I shall send you an express. I think you ought to hold yourself in readiness, and in case you are called for, come with all possible speed; for you must go immediately that you may have returned before the beginning of operations. If you go, my dear sir, I shall give you all

public or private knowledge about Europe I am possessed of. Besides many private letters that may introduce you to my friends, I intend giving you the *key* of the cabinet, as well as of the societies which influence them. In a word, my good friend, any thing in my power shall be entirely yours."

The object of this mission was a loan from France. The necessity of it, so strongly urged by Hamilton upon Congress, had prompted him to advise another visit to France by La Fayette, whose influence was supposed to have been increased by a recent change in the ministry. The idea was entertained, that Hamilton might be associated with him in this interesting mission. But the prospect of active service in the south had greater charms for the marquis, and it was decided that a member of Washington's family should be appointed. The choice was between Hamilton and Laurens. The latter was chosen unanimously on the eleventh of December. Laurens wrote to Washington: "Your excellency will not be a little surprised to learn, that Congress have determined to send me to France, for the special purpose of representing the present state of our affairs and soliciting the necessary succors. I was in great hopes that Congress would have availed themselves of the abilities of Colonel Hamilton for these important objects, and that I should have been suffered to persevere in a line of duty, to which I feel myself more adequate. But, unfortunately for America, Colonel Hamilton was not sufficiently known to Congress to unite their suffrages in his favor; and I was assured, that there remained no other alternative than the total failure of the business. Thus circumstanced, I was induced to submit, and renounce my plan of participating in the Southern campaign."

Three days after this appointment, Hamilton was

married to Eliza, the second daughter of General Schuyler, at the residence of her father in Albany, and thus became permanently established in the State of New York. A distinguished Frenchman describes her as "a charming woman, who joins to the graces all the candor and simplicity of an American wife." *

* Brissot's New Travels, p. 166.

CHAPTER XXIV.

Without prospect of relief from Congress, or apprehension of danger from the enemy, the American army, in the daily routine of duty among their rugged and sterile winter-quarters, were brooding over their wrongs. The discontents of a part at last rose to mutiny. On the evening of the first of January, the Pennsylvania line, which, Colonel Lee observed, should have been called, "the line of Ireland," disregarding the expostulations of their officers, some of whom were killed, others wounded in their efforts to quell the tumult, moved from Morristown with their arms and six pieces of artillery. Their purpose was to extort relief from Congress, sitting at Philadelphia.

On receiving the intelligence of this occurrence, Washington, having satisfied himself of the temper of the troops at West Point, resolved to hasten forward and use his personal influence with the mutineers. From this step he was dissuaded. Wayne in the mean time opened a negotiation with his men, promising a redress of their grievances, and immunity for their misconduct. A sergeant from each regiment met him, and stated their well-founded complaints—many were continued in service after their terms of enlistment had expired—to all, arrearages of pay were due—their losses by the depreciation of the cur-

rency had not been made up—they were in want of money and clothing, yet they were prevented selling their depreciation certificates. Promises of redress were given, and a committee of Congress was appointed, of whom General Sullivan was the most prominent, in concert with the president of Pennsylvania, to confer with the soldiery. Apprehensive of overtures to the mutineers from the enemy, Wayne ordered the Jersey line to Chatham. An overture, nevertheless, was made, which was attended with the happiest effect. The emissaries were seized by the troops, a letter to the malcontents taken from them, and handed to Wayne. The pride of the soldiers was appealed to, and their patriotism roused. The committee of Congress met them at this opportune moment. Terms were made, and the emissaries, convicted by a court-martial, were immediately executed. For want of proper care, the greater part of the line was dismissed, though but a few were entitled to dismission.

Washington, feeling the danger of this example, was about to send forward a detachment to reduce them to submission, but he also deeply felt the wrongs of the soldiers, and that relief must not be delayed. General Knox, charged with despatches, was deputed to obtain from the four Eastern States money and clothing.

The infectious example was a few days after followed by a part of the Jersey line. Hamilton was absent at Albany during the previous revolt. It was felt that a resort to decisive measures was the only true policy, and should this second revolt be permitted to get head, that a dissolution of the army would be inevitable. He immediately, over the signature of Washington, wrote an order to General Howe to march against the mutineers. "The object is to compel them to unconditional submission; and I am to desire that you will grant no terms

while they are with arms in their hands in a state of resistance. The manner of executing this, I leave to your discretion. If you should succeed in compelling the revolted troops to surrender, you will instantly execute a few of the most active and incendiary leaders." He was to endeavor to collect the obedient Jersey troops, and to avail himself of the services of the militia, "representing to them how dangerous to civil liberty is the precedent of armed soldiers dictating terms to their country."

A circular was at the same time addressed by Hamilton, in Washington's name, to the Eastern States, renewing his solicitations: "With flour we are fed only from day to day. We have received few or no cattle for some time past, nor do we know of any shortly to be expected. The salted meat is nearly exhausted." The instructions to Howe were carried into effect. His detachment made a long march over mountainous roads and through a deep snow with the greatest patience, and obeyed every order with alacrity.* The mutiny was suppressed. Two of the principal actors executed. "The existence of the army," Hamilton wrote, "called for an example." In both these mutinies the soldiers were chiefly foreigners. The native troops continued faithful.

A similar spirit was manifested by the troops in New York. Schuyler wrote to Hamilton: "The two regiments threaten to march to head-quarters, unless some money is paid them, the certificates for the depreciation expedited, and in future to be supplied with provisions." A private subscription for their relief was raised, and quiet was restored. Schuyler thus adverts in this letter to Hamilton's declining an offer of pecuniary aid: "I am pleased with every instance of delicacy in those who are so dear to

* Circular to the States.

me, and I think I read your soul on the occasion you mention."

The distresses of the army not only produced insubordination, but stopped enlistments. To prevent her troops, whose terms had expired, from engaging in privateers, an embargo was laid in Connecticut; and a similar measure was recommended to Massachusetts and Rhode Island.

In the preceding year, Hamilton, apprehending the dissolution of the army, projected a plan of supplies. The recent occurrences increased his solicitude to have it brought forward, and he recalled the attention of Schuyler to this subject. In reply, General Schuyler observed: "The reward refused by the Pennsylvania line evinces a becoming sense of propriety and gallantry. What might not our soldiery be brought to, if properly fed, paid and clothed?

"The plan you mention for supplying the armies in America, I should be exceedingly happy to see attempted; but I fear Congress will not venture on it, although they should be convinced of its eligibility. In the course of the last year I proposed it repeatedly to individual members, who generally approved, and once or twice took occasion to mention it in Congress. I am persuaded, if it was adopted, that a saving, at present almost inconceivable, would be induced, and an order and economy in the public expenditures, whilst it would reconcile the minds of men to bear the public burthens with alacrity, and would effectually eradicate the fears which too generally prevail, that we shall sink under the enormous weight of our expenses."

Intermediate the mutinies of the troops, Hamilton's attention was called to the mission of Laurens. In his letter to Duane, he had stated five measures of primary

importance; an army for the war, a foreign loan, a government with complete sovereignty in all that relates to war, peace, trade and finance, the providing "perpetual revenues, productive and easy of collection"—single executive officers instead of Boards, and a National Bank.

The first of these, an army for the war, had been recommended by Congress to be enlisted by the States. The second, a national loan, was the object of the mission of Laurens. Though commissioned as special minister from the United States, Hamilton suggested that a letter of instructions should be addressed to him by Washington, which La Fayette approved, as giving additional weight to the representations to be made to France.

It was drafted by Hamilton:

"In compliance with your request, I shall commit to writing the result of our conferences on the present state of American affairs; in which I have given you my opinion with that freedom and explicitness, which the objects of your commission, my entire confidence in you, and the exigency of our affairs demand.

"1st. To me it appears evident, that, considering the diffused population of these States, the consequent difficulty of drawing together their resources, the composition and temper of a part of their inhabitants, the want of a sufficient stock of national wealth, as a basis for revenue, and the almost total extinction of commerce, the efforts that we have been compelled to make for carrying on the war, have exceeded the natural abilities of this country, and, by degrees, brought us to a crisis that makes the most efficacious and immediate succor from abroad indispensable to our safety.

"2d. That notwithstanding, from the confusion inseparable from a revolution; from our having governments to frame, and every species of civil and military institu-

tions to create; from that inexperience in affairs necessarily incident to a nation in its commencement, some errors may have been committed in the administration of our finances, to which a part of our embarrassments may be attributed; yet they are principally to be ascribed to an essential defect of means, the want of a sufficient stock of wealth, as mentioned in the first article, which want, continuing to operate, will make it impossible, by any interior exertions, to extricate ourselves from those embarrassments, restore the public credit, and furnish the requisite funds for carrying on the war.

"3d. That experience has demonstrated it to be impossible long to support a paper credit without funds for its redemption; that the depreciation of our currency was in the main a necessary effect of the want of those funds; and that its restoration is impossible for the same reason, to which the general diffidence which has taken place among the people is an additional, and, in the present state of things, an insuperable obstacle.

"4th. That the mode which for want of money has been substituted for supplying the army, by assessing a portion of the productions of the earth, has hitherto been found to be ineffectual; has frequently left the army to experience the most calamitous distress, and from its novelty and incompatibility with ancient habits is regarded by the people as burthensome and oppressive; has excited serious discontents, and in some States there appear alarming symptoms of opposition. That this mode has, besides, many particular inconveniences, which contribute to make it inadequate to our exigencies, and ineligible but as an auxiliary.

"5th. That the resource of domestic loans is inconsiderable; because there are, properly speaking, few moneyed men in this country, and the few there are, can em-

ploy their money to more advantage otherwise; besides which, the instability of our currency, and the want of funds, have impaired the public credit. That from the best estimates of the annual expense of the war, and the annual revenues which these States are capable of producing, there is a large balance to be made up by public credit.

"6th. That the patience of the army, from an almost uninterrupted series of complicated distress, is now nearly exhausted; their discontents are matured to an extremity which has recently had the most disagreeable consequences, and demonstrates the absolute necessity of speedy relief. You are too well acquainted with all their sufferings, for want of clothing, for want of subsistence, for want of pay.

"7th. That the people begin to be dissatisfied with the present system for the support of the war; and there is cause to apprehend that evils actually felt in the prosecution of it, may weaken those sentiments which began it, founded, not on immediate sufferings, but on a speculative apprehension of evils to arise in future from the deprivation of our liberties. There is danger that a commercial and free people, little accustomed to heavy burdens, pressed by impositions of a new and odious kind, may not make a proper allowance for the necessity of the conjuncture, and may imagine they have only exchanged one tyranny for another.

"8th. That from all the foregoing considerations results, first, the absolute necessity of an immediate, ample, and efficacious succor of money, considerable enough to be a foundation for permanent arrangements of finance: to restore the public credit, and give new life and activity to our future operations. Secondly, the vast importance of a decided effort of the allied arms upon this country

the ensuing campaign, to give a fatal blow to the power of the enemy, and secure the great objects of the war,—the liberty and independence of these States. Without the first, we may make a feeble and expiring effort the next campaign, which would, in all probability, be the period of our opposition. With it, we should be in a condition to continue the war as long as the obstinacy of the enemy might require. The first is essential to the last; both combined, would at once bring the contest to a glorious issue; put the objects of the alliance out of the reach of contingencies; crown the obligations which America already feels to the magnanimity and generosity of her allies, and perpetuate the union by those ties of gratitude and affection, as well as mutual advantage, which alone can render it solid and indissoluble.

"9th. That next to a loan of money, a constant naval superiority on these coasts, is the object which most interests us. This would instantly reduce the enemy to a difficult defensive, and by depriving them of all prospect of extending their acquisitions, would take away the motives for prosecuting the war. Indeed, it is not easy to conceive, how they could subsist a large force in this country, if we had the command of the seas to interrupt the regular transmission of supplies from Europe. This superiority (with an aid of money) would enable us to convert the operations of the war into a vigorous offensive. I say nothing of the advantages to our trade, nor how infinitely it would facilitate our supplies. In short, it seems to be a deciding point. It appears, too, to be the interest of our allies, abstracted from the immediate benefits to this country, to transfer the whole naval war to America. The number of ports friendly to them and hostile to the British; the materials this country affords for repairing the disabled ships; the large quantities of

provisions towards the subsistence of the fleet; are circumstances which would give a palpable advantage to our allies in a naval contest in these seas.*

"That notwithstanding the embarrassments under which we labor, and the inquietudes prevailing among the people, there is still a fund of inclination and resources in this country, equal to great and continued exertions; provided we have it in our power to stop the progress of disgust, by changing the present system, by restoring public credit, and by giving activity to our measures; of all which, a powerful succor of money might be the basis. The people are dissatisfied; but it is with the feeble and oppressive mode of conducting the war, not with the war itself. They are not unwilling to contribute to its support, but they are unwilling to do it in a way that renders private property precarious,—a necessary consequence of the fluctuation of the national currency, and of the inability of government to perform its engagements coercively made. A large majority are still firmly attached to its independence; abhor a reunion with Great Britain and are affectionate to the alliance with France: but this disposition cannot supply the place of means essential in war, nor can we rely on its continuance amid the perplexities, oppressions, and misfortunes that attend the want of them.

"That no nation will have it more in its power to repay what it may borrow than this. Our debts are small; the immense tracts of unlocated lands; the variety and fertility of soils; the advantages of every kind which we possess for commerce, ensure to this country a rapid progress in population and prosperity, and a certainty, its independence being established, of reducing, in a short term

* A clause follows in the copy, urging an accession of French troops.

of years, the comparatively inconsiderable debts we may have occasion to contract.

"If the foregoing observations will be of any use to you, I shall be happy. I wish you a safe and pleasant voyage, the full accomplishment of your mission, and a speedy return;—being, with sentiments of perfect friendship, regard, and affection, dear sir,

"Your obedient servant,

"G. W." *

With these instructions, Laurens received a letter of the fifteenth of January to Franklin, written for Washington by Hamilton. The motive of this special mission is stated: "The present infinitely critical position of our affairs made it essential in the opinion of Congress, to send from hence a person who had been eye-witness to their progress, and who was capable of placing them before the court of France in a more full and striking point of light than was proper or even practicable by any written communication.

"It was also judged of great importance, that the person should be able to give a military view of them, and to enter into military details and arrangements. The choice has fallen upon Colonel Laurens, as a gentleman who unites all these advantages, and adds to them an integrity and an independence of character, which render him su-

* It will be observed, by a comparison of this document with that inserted in the diplomatic correspondence, that there is a difference in the disposition of the parts of these instructions, and that the copy given to Laurens was fuller. The difference is not, however, important. The above is from the first draft, in Hamilton's autograph, with the exception of the four closing lines, which are added in the handwriting of Washington, who made a fair copy, probably to add to its effect, as being his autograph. This is what is called "*the original*," existing among the archives of France. Was it intended to give the impression, that this copy was the *draft* of such a paper by Washington, without alterations or interlineations?

perior to any spirit of party. . What I have said to him, I beg leave to repeat to you, that to me nothing appears more evident than that the period of our opposition will very shortly arrive, if our allies cannot afford us that effectual aid, particularly in money and in a naval superiority, which are now solicited."

A short time after, Hamilton drew up a paper on the punishments inflicted by the military code, indicating the necessity of a gradation of them as a mean of preventing frequent sentences of death, which were not carried into effect. He also made an important suggestion as to the terms and forms of discharges to be granted to the soldiers, both as a reward of merit, and prevention of desertion. This paper was submitted to Congress by Washington on the third of February.

The inefficiency of the preceding campaign prompted early measures to secure to the next some decisive results. The possession of New York was the only object of magnitude at the North. Preparations for its siege on a large scale were now to be made. With this view, Hamilton addressed a letter to General Knox, in the name of Washington, disclosing this purpose, and calling upon him for an estimate of arms and munitions for a force of twenty thousand men. The general idea of the plan of operations was similar to that projected by Hamilton the previous year, "to make two attacks, one against the works on York Island, the other against the works of Brooklyn on Long Island. If we should find ourselves unable to undertake this more capital expedition, and, if we have means equal to it, we shall attempt, as a secondary object, the reduction of Charleston; and Savannah, Penobscot and other places, may come successively into contemplation."

His pen was also employed in acknowledging for

Washington an act of patriotism on the part of the ladies of Philadelphia, who had formed an association to raise contributions for the army: "It embellishes the American character with a new trait by proving, that the love of country is blessed with those softer domestic virtues, which have always been allowed to be peculiarly *your own*. You have not acquired admiration in your own country only; it is paid you abroad, and, you will learn with pleasure, by a part of your own sex, whose female accomplishments have attained their highest perfection, and who, from the commencement, have been the patronesses of American liberty. The army ought not to regret their sacrifices or sufferings, when they meet with so flattering a reward, as the sympathy of your sex, nor can they fear that their interests will be neglected, while espoused by advocates as powerful as they are amiable. I can only answer to the sentiments, which you do me the honor to express for me personally, that they would more than repay a life devoted to the service of the public, and to testimonies of gratitude to yourselves." *

During this period of inactivity at the North, the Southern States were feeling the vigor of the enemy This had been anticipated at head-quarters. On receiving intelligence of the defeat of Gates, Hamilton, in the name of Washington, wrote to Rochambeau on the eighth of September: "This event must have the worst effect upon the affairs of the Southern States, nor is it easy to say, how far its influence may extend. It is on this account, I should not be astonished if the enemy should really make a detachment of three or four thousand men to Virginia." On the tenth of October he again wrote the French commander in behalf of Washington: "The operations of the Spaniards in the Floridas will be a useful

* To Mrs. Francis Hillegas and others.

diversion to the Southern States, if it can be vigorously prosecuted, but I confess, while the enemy have a naval superiority in America, I am not sanguine about any enterprise which is connected with maritime dispositions."

Owing to the great heats and the weak condition of his army, Cornwallis, after his victory over Gates, was occupied in a series of measures to reduce South Carolina to absolute submission. At the same time, he was projecting an expedition into North Carolina, and on the eighth of September he advanced from Camden to Charlotte.

The people of Mecklenburg resolved, that their chief town, small as it was, should not be occupied by the enemy without sealing their declaration of independence with their blood. Davie, promoted for his conduct at Hanging Rock, with a few volunteers under Major Graham, hovering near the enemy as they advanced, entered this town at midnight.

A sharp conflict with Tarleton's legion ensued, which, though unsuccessful, served to keep up the spirit of the country.

Here Cornwallis awaited the arrival of Colonel Ferguson, with his corps of light infantry and a body of well-trained loyalists, to whose numbers he was endeavoring to add the disaffected in the mountain region, where the great rivers of South Carolina spring.

While Marion, having recruited his small force among the Irish settlers at Williamsburg, was, by repeated sallies from the swamps of the Santee, driving off parties of the enemy, and quickening the opposition of the lower country; and Sumter was gaining strength in the "New Acquisition," late a part of North Carolina; another partisan, Colonel Clark, had roused the people west of the Saluda, and with a small party laid siege to Augusta,

hoping by this bold move to establish a rallying point for the subjugated patriots of Georgia, his native State.

Resisted with energy and threatened by approaching reinforcements from the garrison of Ninety-Six, he was compelled to abandon his purpose, and had begun his retreat toward the mountains of North Carolina.

Ferguson, then on his return to Charlotte, resolving to intercept him, struck through the wild woods and encamped at Gilbert town, a small frontier collection of foresters' huts.

The planters of the seaboard, surrounded by their slaves, and unwilling to trust them with arms, could offer but feeble resistance to their invaders. But Ferguson was drawing near the abodes of men, who had rescued the soil from the wilderness, and were tilling it with their own hands; men upon whom the cares of life were light, counting in their green summer valleys their numerous herds, and hunting in their mild winters, far from their homes, with horse, blanket, knapsack and gun, as brave, free-hearted and true, as were their forefathers, who, gathering in their Highlands, fell at Culloden, in defence of the royal line they had sworn to serve and to defend.

Here dwelt in wild independence the descendants of the Scotch Irish who, signalized at the siege of Londonderry in the same cause, emigrated to New Hampshire, and there erected a town of the same name. Hence offshoots were seen on the frontier line of New York, at Cherry Valley, and along the borders of Pennsylvania, Virginia and the Carolinas, belting the colonies.

These hardy mountaineers, whose courage and sagacity never failed them, plighted to each other in frequent warfare to protect their scattered settlements from Indian ravages, were gathering, in different groups, from different points, some far away, at the sources of the Kentucke and the Tennessee.

They had heard of great spoil of British goods for the supply of their savage enemies to be taken at Augusta, and were hastening through the mountains, when news came that Ferguson was near by.

The various, unexpected rally told him his danger. With the spirit of a true Scot, he betook himself to a near eminence, where courage and position might suffice, until the called-for reinforcements should come up.

This eminence was known as "King's Mountain," crowned with forests and based on massive rocks, overlooking in lonely majesty the encircling, far-extending heights.

A quick pursuit was the voice of the "mountain men." They speeded to the Cowpens, where a party from South Carolina joined them. Nine hundred were selected, who with fleetest horses, spurred on through the forest and a stormy night, until a bright morning met them on the banks of the Broad River.

Fording it, they halted to refresh. Learning Ferguson's position, these great riders of the west resolved to scale the height, upon whose summit they at last beheld, through the glossy foliage, his gleaming arms.

Dismounting, they formed in three columns,—the right under Sevier, a Virginian of Huguenot descent, and Winston, in whose veins flowed blood common with that of Patrick Henry,—the left under Cleveland and Williams, the centre under Shelby of Welsh extraction, and Campbell, proud of his Highland name, chosen to the chief command.

Cleveland and Williams passed around the mountain base, exhorting their followers. "I will show you by my example how to fight," exclaimed Cleveland. "I can undertake no more. Every man must consider himself an officer and act from his own judgment. Fire as quick as

you can, and stand your ground as long as you can. If we are repulsed, let us return and renew the fight."

Instantly he rushed forward and attacked a picket advanced to the mountain edge, following them as they retreated, fighting up the steep.

They were Scots in arms with the descendants of Scotchmen. The same pride, the same earnestness, the same valor, the same determination. Ferguson ordered a bayonet charge. The assailants gave way. While in pursuit, Shelby came up from an adverse point, and poured in a well-directed fire. Ferguson ceasing the pursuit, turned upon his new enemies, again charging with the bayonet. These also were driven back. At this moment, Campbell, passing between the flanks, reached the mountain top and levelled a fire, every shot of which he meant should tell. Ferguson again changed his front, and again his brave soldiers were successful. But no respite was permitted him. The South Carolinians now rallied from their coverts, renewed the fight and were repulsed. Thus, as often as one party was worsted, another was upon him. The right and centre, now intermingled, were both driven almost to the foot of the mountain, some transfixed, others falling headlong over the cliffs. Recovering from the furious charge, they reascended, when the enemy seeing no reprieve, fled under the close, unerring rifle fire along the summit upon Cleveland and Williams. At this instant, Ferguson, receiving his death wound, fell from his saddle. With his last breath all hope expired. Quarter was asked and granted. Three hundred men were killed and wounded—eight hundred made prisoners—fifteen hundred stand of arms, intended for those who should join the royal standard, captured. Of the patriots, covered by the trees, few were killed. Among these was

Williams. In memory of the scene at Camden, ten of the royalists were hung forthwith.

The hunt was now up, and the mountain rangers having secured their immunity by their courage, returned to their homes.*

Cornwallis, thus maimed, abandoned his intended route to Salisbury, and withdrawing his army from the hostile upper region, retired towards Camden, to cover which and the garrison at Ninety-Six, he established himself at Winnsborough. The services of Sumter and Marion were now sensibly felt.. Threatened in different quarters, Cornwallis, weakened by detachments to meet them, which were hardly dealt with, saw himself stripped of the advantages he had gained over Gates, and obliged to wait reinforcements from the North.

Sir Henry Clinton, unaware of the defeat at King's Mountain, and thinking the time had arrived for the conquest of Virginia, detached General Leslie with three thousand men to Portsmouth, with orders to proceed up the James, destroy the magazines at Richmond and Petersburg, and thus to make a diversion in favor of Cornwallis, who felt it necessary to order him to repair forthwith to South Carolina. Hamilton, in the name of Washington, announced these events to Rochambeau: "The affairs of the enemy at the South seem at present to decline. They will probably continue to do so unless Clinton sends a reinforcement from New York. This, I fear, he will shortly do, as near one half of our army will leave us in a little time."

Gates, strengthened by some militia of North Carolina, moved from Hillsborough towards the Yadkin, where he was joined by two hundred cavalry, of whom the com-

* Marshall, i. 397. Ramsay's S. C. ii. 183. Lee's Southern War. Tarleton's Campaigns. Irving.

mand was given to Colonel Washington, and two pieces of cannon. Thence he moved on to Charlotte, Smallwood, his second in command, encamping below on the Catawba. Morgan, who had retired from the service, being recently commissioned as brigadier-general, had joined him at the head of a corps of light troops, and was stationed in his front. Here Gates intended to pass the winter. He was superseded by General Greene on the second of December.

On his route to the south, Greene had endeavored to ascertain in Delaware and Maryland, which States Congress had recently embraced in the southern department, the aids he might obtain from them. Thence he proceeded to Richmond for the same object, where all was trepidation from the proximity of Leslie.

Seeing the exhausted vicinity of Charlotte from the recent occupation of two armies, he moved his small force near the Cheraw hills on the east side of the Pedee.

Greene now felt all the impotence of the government in the Southern States. Near the close of a long letter addressed by him to Washington, he remarked: "I will not pain your excellency with further accounts of the wants and sufferings of this army. I am not without great apprehension of its entire dissolution, unless the commissary's and quartermaster's department can be rendered more competent to the demands of the service. Nor are the clothing and hospital departments on a better footing. Not a shilling in the pay chest, nor a prospect of any for months to come. This is really making bricks without straw." He states the arrival and advance of Leslie with a British reinforcement from Charleston. A few days after, on the tenth of January, he wrote to Hamilton:

"When I was appointed to this command, I expected to meet with many new and singular difficulties; but they

infinitely exceed what I apprehended. This is really carrying on a war in an enemy's country; for you cannot establish the most inconsiderable magazine, or convey the smallest quantity of stores without being obliged to detach guards for their security. The division among the people is much greater than I imagined; and the whigs and tories persecute each other with little less than savage fury. There is nothing but murders and devastations in every quarter. Government here is infinitely more popular than to the northward; and there is no such thing as national character or national sentiment. The inhabitants are from all quarters of the globe, and as various in their opinions, projects and schemes, as their manners and habits are from their early education. The inhabitants are numerous; but they would be rather formidable abroad than at home. They are scattered over such a vast extent of country, that it is difficult to collect, and still more difficult to subsist them. There is a great spirit of enterprise among the black people; and those that come out as volunteers are not a little formidable to the enemy. There are, also, some particular corps under Sumter, Marion and Clarke, that are bold and daring; the rest of the militia are better calculated to destroy provisions than oppose the enemy. Public credit is so totally lost, that private people will not give their aid, though they see themselves involved in one common ruin. This country wants, for its defence, a small but well-appointed army, organized so as to move with celerity. It should consist of about five thousand infantry and from eight hundred to a thousand horse. The enemy cannot maintain a larger force in this quarter, neither can we. The resources from the country are too small to subsist a large body of troops at any one point: and to draw supplies from a distance, through such long tracts of barren

land, will be next to impossible, unless the business can be aided by a water transportation; and, in either case, it will be accompanied with an amazing expense. Could we get a superiority of horse, we could soon render it difficult for Lord Cornwallis to hold his position so far in this country. Nor should I be under any apprehensions, with a much inferior force to his, of taking post near him, if I had but such a body of horse. But the enemy's horse is so much superior to ours, that we cannot move a detachment towards them without hazarding its ruin. When I came to the army I found it in a most wretched condition. The officers had lost all confidence in the general, and the troops all their discipline. I call no councils of war, and I communicate my intentions to very few. The army was posted at Charlotte when I came up with it; and in a council it had been determined to winter there, but the difficulty of procuring subsistence and other reasons, induced me, not only to take a new position, but to make an entire new disposition. All this I effected by a single order, having first made the necessary inquiry respecting the new positions, by sending a man to examine the ground and other requisites. If I cannot inspire the army with confidence and respect by an independent conduct, I foresee it will be impossible to instil discipline and order among the troops. General Leslie has arrived, and joined Lord Cornwallis, whose force now is more than three times larger than ours. And we are subsisting ourselves by our own industry."

"Not to be disconcerted by the most complicated embarrassments, nor the most discouraging prospects, Greene began," Hamilton relates,* "before he entered upon the duties of the field, by adjusting the outlines of the plan

* Hamilton's Works, ii. 486.

which was to regulate his future conduct: a plan conceived with so much wisdom, and so perfect a judgment of circumstances, that he never had occasion to depart from it in the progress of his subsequent operations." Having impressed the neighboring States with a proper sense of their situation to induce them with system and effect to furnish the requisite succors, he stationed Steuben in Virginia, both to accelerate them, and protect that State.

His first act was to divide his little army into two parts—one, he sent under Morgan west of the Catawba, to encourage the inhabitants, and limit the operations of the enemy. With the other he moved down the Pedee, as has been stated, near the Cheraw hills, seventy miles northeast of Winnsborough, where Cornwallis was still encamped.

The post taken by Morgan was to the northwest of this station, distant about fifty miles.

To save the garrison at Ninety-Six which commanded a large tract of country, supposed to be Morgan's object, and to cut off his detachment, Tarleton, with his legion, and a small body of infantry and artillery, was ordered to move upon him with all speed. Leaving Leslie at Camden, Cornwallis moved towards North Carolina, in order to intercept Morgan, should he elude Tarleton, and prevent his joining Greene, upon whom he could direct his own force.

Morgan, with three hundred continentals under the brave Howard, Colonel Washington's light dragoons, and two companies of militia, repaired to the Cowpens. The chances of a battle were justly regarded by him as less serious than an attempt to cross the Broad River, with Cornwallis so near, and should he forthwith retreat, the militia, of whom many would not hope for mercy from the

enemy, would leave him with his small force of continentals, unsupported.

He resolved to face his foe, superior as was their force. A fierce combat took place on the seventeenth of January. The dispositions for battle did honor to the genius of Morgan. The militia, placed in front were ordered, after discharging their fire, to retreat, opening a new front of regulars to the advancing, unsuspecting enemy. Tarleton pushed on, "dreaming not of the reverse which was destined to confound his hopes, and even to sully the lustre of his former fame. In the very grasp of victory, when not to combat but to slaughter, seemed all that remained to be done, the forward intrepidity of Washington, seconded by the cool, determined bravery of Howard, snatched the trophy from his too eager and too exulting hand. He was discomfited and routed. The greater part of his followers were either killed or taken; and the remaining few, with himself, were glad to find safety in flight." *

Tarleton retreated across the Broad, falling back upon Cornwallis, who, joined by Leslie, pushed forward in pursuit of Morgan. This active officer succeeded in crossing the Catawba, expecting Greene, who hastened to join him with the main body.

This body, Cornwallis with his superior force resolved to attack before the Americans could unite. Greene, apprised of his danger, turned towards the Yadkin, which he crossed as the van of the British reached it.

With his entire force of only two thousand infantry and three hundred cavalry, Greene pressed on, seeking safety in Virginia beyond the Dan.

Defeated in his object by this masterly retreat, Cornwallis repaired to Hillsborough, whence he announced to

* Hamilton's Works, ii. 488.

the people of North Carolina the recovery of that State, and invoked the royalists to repair to his standard.

Greene was now looking to Virginia, though with little hope, for reinforcements. Nothing could be more desolate than the condition of that State at this moment of invasion, not from want of resources, not from want of men—the former were abundant, the latter numerous—but from the total want of energy in her governor, leaving its inhabitants a prey to frequent inroads of the enemy.

Jefferson, retiring from Congress, was elected to this place in seventy-nine. The course of events having indicated the purpose of Great Britain to turn her efforts to the reduction of the South, that Virginia would be assailed in turn, was more than probable. Yet no important succor, it has been seen, had been furnished to the Carolinas, and no provision, it was now seen, was made for self-defence. Jefferson had written to Washington, "we are endeavoring to collect a force, but they are unarmed.*

The near presence of British troops was irksome to the governor; he began to talk of resigning his office. "It is also said," Edmund Pendleton writes to Madison at this time,† "the governor intends to resign. It is a little cowardly to quit our posts in a bustling time!"

His fears, relieved by the departure of Leslie, were revived by a letter from Washington of the ninth of December, announcing that a large force, supposed to have a southern destination, was about to embark from New York. This expedition was detached by Sir Henry Clinton, under the command of Arnold, with whom were associated Colonels Dundas and Simcoe, officers of experience, enjoying the full confidence of the British general in chief.

The selection of Arnold to this service, and the em-

* "Memoirs of Jefferson," from his papers, i. 179. † Nov. 6, 1780.

ployment of Simcoe were for a special reason. A considerable body of loyalists near the Chesapeake had associated themselves for the purpose of restoring the royal government. A correspondence with their leaders was had by Major André, to which Simcoe was privy. Soon after his execution, Simcoe was assured, if he should be detached there with a thousand men, "they, to the amount of some thousands, would instantly join and declare for government." *

This detachment, which Hamilton had announced to Rochambeau as probable, embarked at New York the twentieth of December, but dispersed by a storm, the fleet did not reunite in the Chesapeake until the thirtieth, when they sailed up the James. Greene, apprised of their arrival by Steuben, wrote to Washington: "We have nothing to oppose them there, except the militia and about four hundred eighteen-months' men, as ragged and naked as the Virginia blacks."

The news of their approach reached Richmond the last day of December. Notwithstanding the long notice, no efficient preparations for its defence were made. The total force under Arnold did not amount to eight hundred men. Simcoe and Dundas urged an immediate advance. Within seven miles of Richmond a patrol appeared, who, being discovered, fled at full speed. Only two hundred militia had been collected for the defence of the capital of Virginia. Even this force, posted on the succession of strong, wooded hills, which, separated by obstructing creeks, there pierce the river, with a resolute leader, under cover of the trees, by the aid of a few field-pieces, might have repulsed the enemy flanked with only thirty cavalry, and without a single piece of artillery. But no resistance was offered, not a gun was fired, not a life was lost.

* Simcoe's Journal.

Simcoe relates, that "he mounted the hill in small bodies, stretching away to the right, so as to threaten the Americans with being outflanked; and as they filed off, in appearance to secure their flank, he directly ascended with his cavalry, where it was so steep that they were obliged to dismount and lead their horses. Luckily the enemy made no resistance, nor did they fire; but on the cavalry's arrival on the summit, retreated to the woods in great confusion." A similar scene was presented after he had passed through the lower town. The militia had ascended another hill. He followed them, "using such conversation and words as might prevent their inclination to retreat. When he had arrived within twenty yards of the summit, though greatly superior in numbers, the Virginians, some with, some without arms, galloped off." They were pursued several miles, but were not overtaken.* The governor and legislature fled before the traitor Arnold, who, on the fifth of January, took possession of Richmond, where he halted with about five hundred men, seizing a part of the archives, burning a part of the magazines, and retired the next day unmolested.

Jefferson "never faced the enemy nor even observed him, and, until he ascertained that Arnold had retreated to his ships, kept himself behind the current of a broad and unfordable river, flitting from place to place, hiding his guns, to protect them from the "heavy rains." †

Five days after, Jefferson communicated to Washington these occurrences, dwelling chiefly on the efforts to save "the arms, and stores, and records," and admitting "that no opposition was in readiness." Hamilton answered on the sixth of February, in the name of Washington: "It is mortifying to see so inconsiderable a party com-

* Simcoe's Journal, 161–165.

† "Observations by Henry Lee, of Virginia," 133.

mitting such extensive depredations with impunity, but considering the situation of your State, it is to be wondered you have hitherto suffered so little molestation. I am apprehensive you will suffer more in future; nor should I be surprised, if the enemy were to establish a post in Virginia till the season for opening a campaign here. But as the evils you have to apprehend from these predatory incursions are not to be compared with the injury to the common cause, and with the danger to your State in particular, from the conquest of the States to the southward of you, I am persuaded the attention to your immediate safety will not divert you from the measures intended to reinforce the southern army, and put it into a condition to stop the progress of the enemy in that quarter. The late accession of force makes them very formidable in Carolina —too formidable to be resisted without powerful succors from Virginia; and it is certainly her policy, as well as the interest of America, to keep the weight of the war at a distance from her. There is no doubt, that a principal object of Arnold's operations is to make a diversion in favor of Cornwallis; and to remove this motive by disappointing the intention, will be one of the surest ways to remove the enemy." The next day Hamilton announced to Rochambeau, that, "Arnold had re-embarked from Westover," whither he had returned from Richmond, "descended as far as Smithfield, relanded there, and marched to Portsmouth. Here, it was expected, he would fortify."

CHAPTER XXV.

NEARLY four years had elapsed since Hamilton was appointed to the staff of the commander-in-chief. During this long period of duty he enjoyed his chief confidence, and rendered important services. A week after the date of this letter to Rochambeau, this relation was abruptly terminated.

A communication made by him to General Schuyler, two days after the occurrence, exhibits him at an interesting moment of his life.

"Head Quarters, New-Windsor, February 18th, 1781.

"MY DEAR SIR,

"Since I had the pleasure of writing you last, an unexpected change has taken place in my situation. I am no longer a member of the general's family. This information will surprise you, and the manner of the change will surprise you more. Two days ago, the general and I passed each other on the stairs;—he told me he wanted to speak to me,—I answered that I would wait upon him immediately. I went below, and delivered Mr. Tilghman a letter to be sent to the commissary, containing an order of a pressing and interesting nature.

"Returning to the general, I was stopped on the way by the Marquis de La Fayette, and we conversed together about a minute on a matter of business. He can testify

how impatient I was to get back, and that I left him in a manner which, but for our intimacy, would have been more than abrupt. Instead of finding the general, as is usual, in his room, I met him at the head of the stairs, where accosting me in an angry tone, 'Colonel Hamilton, (said he,) you have kept me waiting at the head of the stairs these ten minutes;—I must tell you, sir, you treat me with disrespect.' I replied, without petulancy, but with decision, 'I am not conscious of it, sir, but since you have thought it necessary to tell me so, we part.' 'Very well, sir, (said he,) if it be your choice,' or something to this effect, and we separated. I sincerely believe my absence, which gave so much umbrage, did not last two minutes.

"In less than an hour after, Tilghman came to me in the general's name, assuring me of his great confidence in my abilities, integrity, usefulness, &c., and of his desire, in a candid conversation, to heal a difference which could not have happened but in a moment of passion. I requested Mr. Tilghman to tell him,—1st. That I had taken my resolution in a manner not to be revoked. 2d. That as a conversation could serve no other purpose than to produce explanations, mutually disagreeable, though I certainly would not refuse an interview, if he desired it, yet I would be happy, if he would permit me to decline it. 3d. That though determined to leave the family, the same principles which had kept me so long in it, would continue to direct my conduct towards him when out of it. 4th. That, however, I did not wish to distress him or the public business, by quitting him before he could derive other assistance by the return of some of the gentlemen who were absent. 5th. And that in the mean time, it depended on him, to let our behavior to each other be the same as if nothing had happened. He consented to de-

cline the conversation, and thanked me for my offer of continuing my aid in the manner I had mentioned.

"I have given you so particular a detail of our difference, from the desire I have to justify myself in your opinion. Perhaps you may think I was precipitate in rejecting the overture made by the General to an accommodation. I assure you, my dear sir, it was not the effect of resentment; it was the deliberate result of maxims I had long formed for the government of my own conduct.

"I always disliked the office of an aide-de-camp, as having in it a kind of personal dependence. I refused to serve in this capacity with two major-generals, at an early period of the war. Infected, however, with the enthusiasm of the times, an idea of the general's character overcame my scruples, and induced me to *accept his invitation* to enter into his family * * * * * * * * * * * *. It has been often with great difficulty that I have prevailed upon myself not to renounce it; but while, from motives of public utility, I was doing violence to my feelings, I was always determined, if there should ever happen a breach between us, never to consent to an accommodation. I was persuaded, that when once that nice barrier, which marked the boundaries of what we owed to each other, should be thrown down, it might be propped again, but could never be restored.

"The General is a very honest man;—his competitors have slender abilities, and less integrity. His popularity has often been essential to the safety of America, and is still of great importance to it. These considerations have influenced my past conduct respecting him, and will influence my future;—I think it is necessary he should be supported.

"His estimation in your mind, whatever may be its amount, I am persuaded has been formed on principles which a circumstance like this cannot materially affect; but if I thought it could diminish your friendship for him, I should almost forego the motives that urge me to justify myself to you. I wish what I have said to make no other impression, than to satisfy you I have not been in the wrong. It is also said in confidence, as a public knowledge of the breach would, in many ways, have an ill effect. It will, probably, be the policy of both sides to conceal it, and cover the separation with some plausible pretext. I am importuned by such of my friends as are privy to the affair, to listen to a reconciliation; but my resolution is unalterable.

"As I cannot think of quitting the army during the war, I have a project of re-entering into the artillery, by taking Lieutenant-colonel Forrest's place, who is desirous of retiring on half-pay. I have not, however, made up my mind upon this head, as I should be obliged to come in the youngest lieutenant-colonel instead of the eldest, which I ought to have been by natural succession, had I remained in the corps; and, at the same time, to resume studies relative to the profession, which to avoid inferiority, must be laborious.

"If a handsome command in the campaign in the light infantry should offer itself, I shall balance between this and the artillery. My situation in the latter would be more solid and permanent; but as I hope the war will not last long enough to make it progressive, this consideration has the less force. A command for the campaign, would leave me the winter to prosecute studies relative to my future career in life * * * * * * * * * * * * * I have written to you on this subject with all the freedom and confidence to which you

have a right, and with an assurance of the interest you take in all that concerns me."

General Schuyler's reply, a week later, gives a pleasing view of his own character:

"My dear sir,—Last night your favor of the eighteenth was delivered to me. I confess the contents surprised and afflicted me—not that I discover any impropriety in your conduct in the affair in question, for of that, I persuade myself, you are incapable; but as it may be attended with consequences prejudicial to my country, which I love, which I affectionately love.

"As no event tending to its detriment can be beheld by me with indifference, I should esteem myself culpable were I silent on the occasion; and must therefore entreat your attention. A candid and favorable construction I ask not for; that I am certain I shall have.

"Long before I had the least intimation that you intended that connection with my family which is so very pleasing to me, and which affords me such extreme satisfaction, I had studied your character and that of the other gentlemen who composed the general's family. I thought I discovered in all, an attention to the duties of their station; in some, a considerable degree of ability, but (without a compliment, for I trust there is no necessity of that between us) in you only I found those qualifications so essentially necessary to the man who is to aid and counsel a commanding general, environed with difficulties of every kind, and those perhaps more and of greater magnitude, than any other ever has had to encounter:—whose correspondence must of necessity be extensive, always interesting, and frequently so delicate as to require much judgment and address, to be properly managed. The public voice has confirmed the idea I had formed of you; but what is most consoling to me, and more honorable to you,

men of genius, observation and judgment, think as I do on the occasion. Your quitting your station must, therefore, be productive of very material injuries to the public; and this consideration, exclusive of others, impels me to wish that the unhappy breach should be closed, and a mutual confidence restored. You may both of you imagine when you separate, that the cause will remain a secret; but I will venture to speak decidedly and say, it is impossible. I fear the effect, especially with the French officers, with the French minister, and even with the French court. These already observe too many divisions between us. They know and acknowledge your abilities, and how necessary you are to the general. Indeed, how will the loss be replaced?

"It is evident, my dear sir, that the general conceived himself the aggressor, and that he quickly repented of the insult. 'He wished to heal a difference which would not have happened but in a moment of passion.' It falls to the lot of few men to pass through life without one of those unguarded moments which wound the feelings of a friend. Let us then impute them to the frailties of human nature, and, with Sterne's recording angel, drop a tear, and blot it out of the page of life. I do not mean to reprehend the maxims you have formed for your conduct. They are laudable, and though generally approved, yet times and circumstances sometimes render a deviation necessary and justifiable. This necessity now exists in the distresses of your country. Make the sacrifice. The greater it is, the more glorious to you. Your services are wanted. They are wanted in that particular station which you have already filled so beneficially to the public, and with such extensive reputation. I thank you for your last, which I did not answer, concluding you were gone to Rhode Island."

There have been misrepresentations of this occurrence One of these, as will hereafter be seen, was refuted by Washington. As to the other, which is recent, it is to be regretted that so unguarded a statement should have been ventured.* With the feelings proper to a gentleman, this matter is presented to view in a very different light by a foreigner, whose eloquent pen has illustrated and done homage to the character of Washington.

"But even the most energetic," is his comment, "and the best regulated minds prove unable to attend to the daily discharge of acts of authority and power, without being overtaken by a nervous feeling of exhaustion and irritability. The hardships of the revolutionary struggle, together with the habit of absolute command, had shaken the masterly control Washington had gained over his passions; and the officers of his staff, those very men whose noble pride ought to have been most discreetly dealt with, had to suffer, not unfrequently, from the irritable temper, and punctilious susceptibility of their commander. Colonel Hamilton was one of those men whom neither admiration, nor respect, nor even ambition, could ever have induced to forego the care of their own dignity. The only compensation worthy of the services of such men is due regard and proper consideration. He felt that he was—and he was indeed—something more for General Washington than a good aide-de-camp. In the midst of his unlettered companions, he was an elegant and practised writer, an acute and ever ready adviser, a man of action, full of boldness and dexterity, equally fitted for politics and for war. With a noble and lofty heart, an accomplished, fruitful and extended mind, fascinating in the social intercourse of daily life, Colonel Hamilton, to

* Irving's Washington, iv. 227. Dewitt's Washington, 175. Note.

those great qualities, which could not but have won for him the sympathies of his general, joined talents well calculated to supply the lack of brilliancy and fertile invention in the mind of Washington." After quoting the previous letter, he closes, "Washington had not, in reality, until death, a more faithful counsellor and support than Hamilton, and their friendship, far from having suffered from this abrupt separation, gained thereby in esteem and respect."

As Hamilton's decision on this occasion was "not the effect of resentment, but the deliberate result of maxims he had formed for the government of his conduct," it was adhered to.

From the moment his separation from Washington's military family was known, it was generally regretted. Letters were addressed to him expressive of the warmest attachment, which, though felt by many, was by none more marked than on the part of the officers from France, who evinced the deepest interest in his welfare. His high place in the confidence of the commander-in-chief, had given him an influence in kindnesses, which, as foreigners, they peculiarly required; and his readiness to promote their wishes caused them to regret his leaving head-quarters, as an event by which they had lost a friend, on whom they could repose every reliance.

Considerations of mere gratitude or interest were not alone in commending him to their regard. In the situation of this country, few of its young soldiers had enjoyed those advantages, which enabled them to enter into the gayeties of French manners, and to conform to, and become a part of, that polished society of the noblesse of France, of which the usages were unlike those prevailing in North America. His command of their language, a natural turn for pleasantry, his cheerful spirit and amiable

tone, freedom from those prejudices above which persons of the most distinguished merit do not always rise, his warmth of heart and romantic temper, rendered him a welcome inmate of their convivialities, and gave him the first place among the American officers in their affections.

La Fayette, his early, his constant, his illustrious friend, as he had been privy to many of the most confidential incidents of Washington's life, and was aware of the importance of Hamilton's services, seemed most to have regretted it. With the same warmth he had shown in endeavoring to promote Hamilton's wishes on former occasions, he now sought to produce a reconciliation. But, as he says, "when, after having explained the delay privately, he expressed to each of them his own feelings, he found each disposed to believe the other was not sorry for the separation. It did not, however, go farther than leaving the family; the advice of Hamilton has since, in several circumstances, been friendly asked by the commander-in-chief."

Owing to the recent incursions into Virginia and its defenceless condition, Jefferson now urged a detachment of a few of the French fleet to the Chesapeake. The loss of several British vessels of war, giving Destouches a temporary superiority, he approved the measure, and on the ninth of February the detachment sailed from New Port. So small a maritime force, it was believed, would be of little use, and, on the fifteenth of February, Hamilton wrote to Rochambeau in the name of Washington, "If the object is judged of sufficient importance, it is, in my opinion, essential, that there be a co-operation of land and naval forces, and that Mr. Destouches should protect the expedition with his whole fleet." With this expectation and that you "would approve a co-operation with a part of your army, I have, to give the enterprize all possible

chance of success, put under marching orders, a detachment of twelve hundred men, who will advance towards the head of Elk River, there to embark and proceed to a co-operation. I should have made it more considerable, could I have spared the troops." This detachment was confided to La Fayette, who was to embark at the head of Elk and proceed down the bay to the place of operation under the protection of a French frigate. Steuben was ordered to make such a disposition of his command as would facilitate the enterprise, of which the object was the capture of Arnold and of the troops in Portsmouth. "If the fleet should have arrived before this gets to hand, secrecy will be out of the question, but if it should not have made its appearance, you will conceal your expectations, and only seem to be preparing for defence. The ships will bring you some arms and stores, which had arrived at Providence for the State of Virginia. Arnold, on the appearance of the fleet, will endeavor to retreat by land to North Carolina. If you take any measure to obviate this, the precaution will be advisable." Should he, finding himself blocked up seaward, attempt to retreat through North Carolina, Steuben was to intercept him.

"Should we be able to capture this detachment with its chief, it will be an event as pleasant as it will be useful."

A few days after, on the twenty-fifth of February, Hamilton drew a letter of instructions to La Fayette directing his march, and giving him full latitude as to his operations: "When you arrive at your destination, you must act as your own judgment and the circumstances shall direct." He was to open a correspondence with the French fleet and with Steuben. Anticipating success, he added: "You are to do no act whatever with Arnold,

that, directly or by implication may screen him from the punishment due to his treason and desertion, which, if he should fall into your hands, you will execute in the most summary way."

These measures were announced to Congress by Hamilton in behalf of the commander-in-chief: "The situation of the Southern States is alarming; the more so, as the measure of producing a regular and permanent force was, by my last advices, still unattempted, when the danger was most pressing and immediate. Until all the States, in good earnest, enter upon this plan, we have little to expect but their successive subjugation. Particular successes obtained against all the chances of war, have had too much influence to the prejudice of general and substantial principles." He announced to Rochambeau that the Pennsylvania line would march to the southward as fast as it could be recruited and organized. This information Hamilton also communicated to General Greene in Washington's name, on the twenty-seventh of February, observing: "Amidst the complicated dangers with which you are surrounded, a confidence in your abilities is my only consolation. I am convinced you will do every thing that is practicable. I lament that you will find it so difficult to avoid a general action, for our misfortunes can only be complete in the dispersion of your little army, which will be the most probable consequence of such an event." The efforts to aid him by a diversion in Virginia are stated, and looking to the possibility of Greene's crossing the Roanoke, La Fayette was authorized, in a letter written by Hamilton of the first of March, to concert a plan with the French general and naval commander, expected to proceed to the south, "for a descent into North Carolina to cut off the detachment of the enemy which had ascended Cape Fear River, intercept, if

possible, Cornwallis, and relieve General Greene and the Southern States."

The next day Washington proceeded to New Port. The operations immediately required for the relief of those States, and for the residue of the campaign, were considered. Two days after his arrival there the French fleet sailed. Hamilton, in the mean time, had proceeded to Philadelphia to obtain the commission in the line, of lieutenant-colonel, to which he was entitled.*

The general action, which it was apprehended Greene could not avoid, soon took place. A reinforcement of six hundred militia from Virginia having joined him under Stevens, Greene, to check the rally of the royalists, decided to recross the Dan, and, if possible, without risking a general engagement, to keep the field with his inferior force. Colonel Lee had also reached him with his legion, which was actively employed in attacking and cutting off the British adherents, to whose protection Cornwallis, leaving Hillsborough, proceeded, and encamped on the Allimance Creek, towards Guilford Court House.

Having for a time, by skilful manœuvres, baffled the enemy's efforts to bring on an engagement, Greene, with a total of four thousand five hundred men, near two thou-

* From the subjoined note of Washington to Hamilton, it was supposed he attended the commander-in-chief on this journey. This is found to be erroneous. The copy of the note in the State Department gives the date as 1780. It is in these words:

"Dear Hamilton: I shall be obliged to you for the answer to the address, as soon as it is convenient to you. If we do not ride to the Point to see the fleet pass out, I am to have a conference with Count De Rochambeau and the engineer, directly after breakfast, at which I wish you to be present. I am sincerely and affectionately yours,

"Geo. Washington

"*Half-past — A. M.*"

sand of whom were continentals, resolved to hazard the battle Cornwallis was seeking. Here an action took place on the fifteenth of March. "All that could be expected from able disposition towards insuring success," Hamilton remarks, "promised a favorable issue to the American arms. But superior discipline carried it against superior numbers and superior skill." When victory seemed insured, the misconduct of a part of the troops reversed the scene, and Greene was compelled to retire. He fell back only three miles. Cornwallis kept the field but three days. He then, so severe was his loss, hastened, with the remainder of his brave troops, from the upper limits of North Carolina to Wilmington, its most southern seaport, Greene in vain endeavoring to overtake him.

The consequences of the battle of Guilford Court House were more serious than was supposed. Too weak to contend with the now superior force of the Americans, Cornwallis had no option left him but to join the garrison at Charleston, and, an inactive spectator, to see South Carolina and Georgia overrun, or to join the British force in Virginia, and there, as he hoped, having crushed opposition, to return with a victorious and much superior army upon Greene, to whom this movement would prevent all possibility of succor.

To follow his adversary, or returning, to recover the Southern States, was the great question Greene had now to decide. Concluding "justly," as Hamilton observed, "that Virginia might safely be trusted to her own strength and resources, and to the aid which, if necessary, she might derive from the north. Foreseeing, on the other hand, that were South Carolina and Georgia abandoned to the situation in which they then were, they would have lost even the spirit of opposition, he determined to return into South Carolina. This was one of those strokes that

denote superior genius, and constitute the sublime of war. 'Twas Scipio leaving Hannibal in Italy, to overcome him at Carthage!" *

La Fayette had, in the mean time, reached the head of Elk. Thence he wrote to Hamilton on the tenth of April: "Where is, for the present, my dear Hamilton? This question is not a mere affair of curiosity. It is not even wholly owing to the tender sentiments of friendship. But motives both of a public and private nature conspire in making me wish that your woe be not accomplished. Perhaps you are at head-quarters, perhaps at Albany; at all events, I'll tell you my history. Had the French fleet come in, Arnold was ours. The more certain it was, the greater my disappointment has been; at last it has become necessary for them to return to Rhode Island. I think they have exerted themselves for the common good, and this has been a comfort in our misfortune. Having luckily arrived at Elk by water, which at first I had no right to expect, I have received the general's letter. If you are at head-quarters, you will have seen my correspondence with the general; if not, I tell you that I am ordered to the southern army, and the general thinks that the army under his immediate command will remain inactive. After a march of forty days, we will arrive at a time when the heat of the season will put an end to operations. This detachment is so circumstanced, as to make it very inconvenient for officers and men to proceed. Before we arrive, we shall perhaps be reduced to five or six hundred men.

"There will be no light infantry formed,—no attack against New York,—none of those things which had flattered my mind.

"If a corps is sent to the southward by land, it ought

* Hamilton's Works, ii. 492.

to have been the Jersey line, because if we weaken ourselves, New York will be out of the question.

"Monsieur Destouches will, I think, propose to the general to send to Philadelphia l'Eveillé, and all the frigates; these, with the frigates now at Philadelphia, would carry fifteen hundred men to whatever part of the continent the general would think proper. We could then go to Morristown, there to form a new corps of light infantry upon the principles at first intended, and embarking in the first days of May, we could be at Wilmington, Georgetown, or any where else, sooner than we can now be by land.

"I would have the battalions composed of six companies;—colonels employed, Webb, Sprout, Huntington, Olney, Hull, Barber, Gimat, *Laurens;*—Majors Willet, Fish, Gibbes, Inspector Smith, ——, and another;—Brigadier-general Huntington and Scamell, and a good corps of artillery under ********. My dear friend, *you would be more important at head-quarters;* but if you don't stay there, you know what you have promised to me. Adieu. Write me often and long letters. It is probable I will be in the southern wilderness until the end of the war, far from head-quarters, from the French army, from my correspondence with France; but the whole good I could have operated, in this last instance, must have taken place by this time. My best respects and affectionate compliments wait on Mrs. Hamilton." On the eighteenth, he writes him from the Susquehanna: "Dear Hamilton, you are so sensible a fellow, that you can certainly explain to me what is the matter that New York is given up; that our letters to France go for nothing; that while the French are coming, I am going. This last matter gives great uneasiness to the minister of France. All this is not comprehensible to me, who having been

long from head-quarters, have lost the course of intelligence.

"Have you left the family, my dear sir? I suppose so; but from love to the general, for whom you know my affection, I ardently wish it was not the case;—many, many reasons conspire to this desire of mine. But if you do leave it, and if I go to exile, come and partake it with me."

The next day Hamilton wrote to Greene in the name of Washington: "The motives which induced you to hazard a battle, appear to me to have been substantial. I am happy to find that the retreat of Cornwallis in circumstances of distress corresponded with your expectations. I still, however, regard your affairs as critically situated. The enemy are accumulating a large force in the Southern States. We have several concurring accounts, that a further detachment is preparing at New York to be commanded by Clinton himself. Its destination is given out to be for Delaware Bay, but it is much more probably for Chesapeake or Cape Fear. The marquis will have informed you of the orders he has received to march southward with his corps to concert with you his ulterior movements, whether to remain in Virginia to make head against the enemy who are now in force there, or to proceed directly to a junction with you. General St. Clair informs me that nine hundred of the Pennsylvanians were to march the sixteenth from Yorktown. You may be assured that we give you all the support in our power. I wish our means were more adequate."

On the same day he announced to Greene his intended retirement from the staff of the commander-in-chief:

"Dear General,—I acknowledge myself to have been unpardonably delinquent in not having written to you be-

fore;—but my matrimonial occupations have scarcely left me leisure or inclination for any other.

"I must now be brief, as the post is just setting out. I shall shortly write you at large.

"I have not been much in the way of knowing sentiments out of the army; but as far as I am acquainted with them either in or out, you have great reason to be satisfied. Your conduct in the southern command seem to be universally approved,—and your reputation is progressive. How long this will last, the wheel of fortune will have too much part in determining.

"I cannot tell you any thing of our prospects here, because we know little about them ourselves. Hitherto we have received few recruits. I fear this campaign will be a defensive one on our part.

"Harrison has left the general to be a chief justice of Maryland. I am about leaving him to be any thing that fortune may cast up—I mean in the military line. This, my dear general, is not an affair of calculation, but of feeling. You may divine the rest, and I am sure you will keep your divinations to yourself. The enemy have gotten so much in the way of intercepting our mails, that I am afraid of seeing whatever I write hung up the week after in Rivington's Gazette. This obliges me to be cautious. Adieu. My dear general, let me beg you will believe that whatever change there may be in my situation, there never will be any in my respect, esteem, and affection for you.

"P. S. Let me know if I could find any thing worth my while to do in the southern army. You know I shall hate to be nominally a soldier."

Four days after, Hamilton wrote to La Fayette in the name of Washington, alluding to the contemplated siege of New York: "It appears to me extraordinary, that

your advices should have given you an idea so different from the whole complexion of the intelligence I had received concerning its 'probability.' This, and the situation of our own force, have induced me to regard it as barely possible; too precarious to enter far into our dispositions; possible only in a case which we are not authorized to expect will happen—the arrival of the residue of the French auxiliaries.

"The danger to the Southern States is immediate and pressing. It is our duty to give them support. The detachment with you, all circumstances considered, was the most proper for the purpose. The project which General Greene has lately adopted, adds a particular motive to continuing its destination. It is essential to him, that Philips should be held in check; and we cannot rely wholly on militia for this. The only cause of hesitation in my mind, about sending your corps to the southward, was a separation from you."

The last day of April Colonel Hamilton retired from the staff.—The impression he had made is seen in the letters previously adverted to. "I came here, my dear Hamilton," his friend Colonel Harrison writes, "on Friday night to bid adieu to the general, to you, and to my other friends, as a military man, and regret much that I have not had the happiness of seeing you. To-morrow I am obliged to depart, and it is possible our separation may be for ever. But, be this as it may, it can only be with respect to our persons, for as to affection, mine for you will continue to my latest breath."

Colonel Tilghman also wrote him: "My dear Hamilton. Between me and thee there is a great gulf, or I should not have been thus long without seeing you. My faith is strong, but not strong enough to attempt walking upon the waters. You must not suppose from my dealing

so much in Scripture phrases, that I am either drunk with religion or with wine, though had I been inclined to the latter, I might have found a jolly companion in my lord, who came here yesterday. We have not a word of news. Whenever any arrives worth communicating and good, you shall have it instantly—if bad, I will not promise so much dispatch. I must go over and see you soon, for I am not yet weaned from you, nor do I desire to be."

A letter was also received by him some time after from Laurens: "I am indebted to you, my dear Hamilton, for two letters: the first from Albany, as masterly a piece of cynicism as ever was penned; the other from Philadelphia, dated the second March: in both you mention a design of retiring, which makes me exceedingly unhappy. I would not wish to have you, for a moment, withdrawn from the public service; at the same time, my friendship for you and knowledge of your value to the United States, make me most ardently desire that you should fill only the first offices of the republic. I was flattered with an account of your being elected a delegate from New York, and am much mortified not to hear it confirmed by yourself. I must confess to you, that at the present stage of the war, I should prefer your going into Congress, and from thence becoming a minister plenipotentiary for peace, to your remaining in the army, where the dull system of seniority and the *tableau* would prevent you from having the important commands to which you are entitled; but at any rate, I would not have you renounce your rank in the army, unless you entered the career above mentioned. Your private affairs cannot require such immediate and close attention. You speak like a *paterfamilias* surrounded with a numerous progeny.

"I had, in fact, resumed the black project, as you were informed, and urged the matter very strenuously, both to

our privy council and legislative body; but I was outvoted, having only reason on my side, and being opposed by a triple-headed monster, that shed the baneful influence of avarice, prejudice and pusillanimity on all our assemblies. It was some consolation to me, however, to find that philosophy and truth had made some little progress since my last effort, as I obtained twice as many suffrages as before."

A person subsequently much distinguished, thus speaks of Hamilton: "I shall never forget the first time I saw him, then a young man. It was at the camp on or near the Hudson. He seemed a visitor. I spent the evening at the same public house, unknowing and unknown. The company seemed highly respectable, and the conversation turned on the topics of the day. I was struck with the conversation, talents, ready and entertaining, and with the superior reasoning powers of one who seemed to take the lead. It exceeded any thing I had before heard and even my conceptions. When the company retired, I found it was Colonel Hamilton I admired so much." *

The hopes begun to be indulged of an active campaign, inspired Hamilton with a strong desire to obtain a command. This wish was quickened by the letters of his friends, and chiefly by those of La Fayette. With a determination to continue in the service until the independence of the country was secured, he now resolved to renew his application for a separate command, which had failed in the preceding autumn; and with this view addressed the following letter to the commander-in-chief. It is dated at De Peyster's Point, April twenty-seventh:

"Sir: I imagine your excellency has been informed, that in consequence of the resolution of Congress for granting commissions to aide-de-camps appointed under

* Letter of Chief Justice Jeremiah Smith, of New Hampshire.

the former establishment, I have obtained one of lieutenant-colonel in the army of the United States, bearing rank since the first of March, 1777.

"It is become necessary to me to apply to your excellency, to know in what manner you foresee you will be able to employ me in the ensuing campaign. I am ready to enter into activity whenever you think proper; though I am not anxious to do it till the army takes the field, as before that period I perceive no object.

"Unconnected as I am with any regiment, I can have no other command than in a light corps, and I flatter myself my pretensions to this are good.

"Your excellency knows I have been in actual service since the beginning of '76. I began in the line, and had I continued there, I ought, in justice, to have been more advanced in rank than I now am. I believe my conduct in the different capacities in which I have acted, has appeared to the officers of the army in general such as to merit their confidence and esteem; and I cannot suppose them to be so ungenerous as not to see me with pleasure put into a situation still to exercise the disposition I have always had, of being useful to the United States. I mention these things only to show that I do not apprehend the same difficulties can exist in my case, (which is peculiar,) that have opposed the appointment to commands of some other officers, not belonging to what is called the line.

"Though the light infantry is chiefly formed, yet being detached to the southward, I take it for granted there will be a van guard by detachment formed for this army.

"I have the honor to be, very respectfully,

"Your excellency's most obedient servant,

"A. HAMILTON."

The following reply was immediately given:

New Windsor, April 27th, 1781.

"Dear Sir: Your letter of this date has not a little embarrassed me. You must remember the ferment in the Pennsylvania line the last campaign, occasioned by the appointment of Major McPherson, and you know the uneasiness which at this moment exists among the Eastern officers, on account of the commands conferred upon Colonel Gimat and Major Galvan, although it was the result of absolute necessity.

"Should circumstances admit of the formation of another advanced corps, of which I see very little prospect from present appearances, it can be but small, and must be composed almost entirely of Eastern troops; and to add to the discontents of the officers of those lines, by the farther appointment of an officer of your rank to the command of it, or in it, would, I am certain, involve me in a difficulty of a very disagreeable and delicate nature, and might, perhaps, lead to consequences more serious than it is easy to imagine. While I adhere firmly to the right of making such appointments as you request, I am, at the same time, obliged to reflect, that it will not do to push that right too far, more especially in a service like ours, and at a time so critical as the present.

"I am convinced that no officer can, with justice, dispute your merit or abilities. The opposition heretofore made had not been for the want of those qualifications in the gentlemen who are, and have been, the objects of discontent. The officers of the line contend, without having reference to particular persons, that it is a hardship and reflection upon them, to introduce brevet officers into commands, (of some permanency,) in which there are more opportunities of distinguishing themselves than in the line of the army at large, and with the men they have had the trouble to discipline and to prepare for the field.

My principal concern arises from an apprehension that you will impute my refusal of your request to other motives than those I have expressed, but I beg you to be assured, I am only influenced by the reasons which I have mentioned.

"I am, dear sir,
"Your obedient and humble servant,
"GEO. WASHINGTON."

Hamilton, deeming his case one which ought to be distinguished from those which Washington had adduced as precedents, wrote him a farther letter, on the second of May.

"Sir: I am extremely sorry to have embarrassed you by my late application, and that you should think there are insuperable obstacles to a compliance with it. Having renounced my expectations, I have no other inducement for troubling your excellency with a second letter, than to obviate the appearance of having desired a thing inconsistent with the good of the service, while I was acquainted with the circumstances that made it so.

"I was too interested a spectator of what happened in the case of Major McPherson, not to have remarked, and not to recollect, all the circumstances. The opposition turned, ostensibly, on his being a brevet officer, yet having a command in a corps formed entirely from one line; the propriety of his being employed in a detachment from the army at large, so far as I remember, was not disputed. In delicacy to Major McPherson, no personal objections were formally made, but in reality they existed and contributed to the discontent. It was thought a peculiar hardship, that a gentleman who had, for a long time, fought against us, and had not taken part with us till a late period, and when our affairs had assumed a more

prosperous aspect, should be preferred in one of the most honorary commands of the service. Your excellency must be convinced, that I mention this in no other view than to show the sentiments of the officers at the time, and the whole grounds of the opposition. My esteem for Major McPherson, and other reasons, make it impossible I can have a different intention.

"I know less of the motives of dissatisfaction in the cases of Colonel Gimat and Major Galvan; but I have understood, that it is founded on their being appointed in the light corps for two successive campaigns.

"It would be uncandid in me not to acknowledge, that I believe a disposition to exclude brevet officers in general from command, has a great share in the opposition, in every instance, and that so far it affects my case. But, at the same time, it appears to me, this principle alone, can never be productive of more than momentary murmurs, where it is not seconded by some plausible pretext. I also am convinced, that the Pennsylvania officers, for their own sakes, repented the rash steps they had taken, and on cool reflection, were happy in an opportunity to relinquish their menaces of quitting a service to which they were attached by habit, inclination, and interest, as well as by patriotism. I believe, too, we shall never have a similar instance in the army, unless the practice should be carried to excess. Major Galvan, I am told, will probably be relieved. Colonel Gimat will be then the only brevet officer remaining in command. Your excellency is the best judge of the proper limits; and there can be no doubt, that the rights of particular officers ought to give place to the general good and tranquillity of the service.

"I cannot forbear repeating, that my case is peculiar, and dissimilar to all the former;—it is distinguished by

the circumstances I have before intimated,—my early entrance into the service,—my having made the campaign of '76, the most disagreeable of the war, at the head of a company of artillery, and having been entitled, in that corps, to a rank, equal in degree, more ancient in date, than I now possess,—my having made all the subsequent campaigns in the family of the commander-in-chief, in a constant course of important and laborious service. These are my pretensions, at this advanced period of the war, to being employed in the only way which my situation admits; and I imagine they would have their weight in the minds of the officers in general. I only urge them a second time, as reasons which will not suffer me to view the matter in the same light with your excellency, or to regard as impracticable my appointment in a light corps, should there be one formed. I entreat they may be understood in this sense only. I am incapable of wishing to obtain any object by importunity.

"I assure your excellency, that I am too well persuaded of your candor, to attribute your refusal to any other cause than an apprehension of inconveniences that may attend the appointment.

"I have the honor to be, with perfect respect, sir,

"Your most obedient and humble servant,

"A. Hamilton.

"P. S. I have used the term brevet in the sense your excellency appears to have understood it, as signifying, in general, all officers not attached to any established corps. Congress, however, seem to have made a distinction; they give only a kind of warrant to those whom they designate as brevet officers; mine is a regular commission."

CHAPTER XXVI.

Hamilton's attention is seen to have been, for some time past, chiefly directed to the fiscal interests of the country. Subjugation was a remote possibility. The questions were: the duration and the character of the contest; and these depended, apparently, on the power of Congress to command the national resources as the basis of a solid and adequate system of public credit.

Though extreme and impracticable projects were obtruded from time to time, wiser opinions as to the policy which ought to govern were gaining ground. New York having resolved to be represented in the convention called to meet at Hartford, two delegates, John Sloss Hobart, the chief justice of the State, and Egbert Benson, a distinguished patriot, were commissioned. Their instructions were,—"to propose and agree to all such measures as shall appear calculated to give a vigor to the governing powers equal to the crisis," the Legislature to approve or disapprove. With these were present seven other delegates representing the four New England States. Upon much deliberation, a paper was addressed by this body to Congress, and to the States they represented. After calling upon the Eastern States to raise their quotas of troops; to furnish the requisite detachments of militia;

to comply with the requisitions of Congress, who were requested to empower the commander-in-chief to take such measures as he shall think proper to induce the States to a punctual compliance with these requisitions for supplies, and recommending measures to clothe the army, it proceeded to the great object in view. The convention called upon Congress, "to propose certain taxes on specific articles, or duties on imports, on all or any of them, to operate among the several States; the net product to be applied to discharge the interest on the loan office certificates, and all other debts due from the continental purchasing officers, and which could be conveniently funded."

With this intent, it was proposed, "that the several States should thereupon make the necessary provisions by law, to enable Congress to levy and collect such taxes, duties and imposts within them respectively; and that the delegates thereto should be authorized to pledge the faith of their respective States that they will pass the requisite laws for the purpose," with a restriction, that the delegates shall not have authority to bind their respective States unless the delegates of all the States not in the power of the enemy, should have similar powers. The States were called upon to take effectual measures, to sink their full quotas of the continental bills. Congress were to call "for a return of the number of persons, blacks as well as whites in each State," as the basis of contribution.

These resolutions were followed by a circular letter to the States, in which this strong passage is seen. "Our present embarrassments we imagine to arise in a great measure from a defect in the present government of the United States. All government supposes the power of coercion. This power, however, in the general government of the continent never did exist, or, which has pro-

duced equally disagreeable consequences, never has been exercised." It called for permanent funds as the basis of loans and a completion of the confederation. "By the expulsion of the enemy," it stated, "we may be emancipated from the tyranny of Great Britain. We shall, however, be without a solid hope of peace and freedom unless we are properly cemented among ourselves, and although we feel the calamities of war, yet we have not sufficient inducements to wish a period to them, until our distresses, if other means cannot effect it, have, as it were, forced us into an union." Congress were also urged to punish their civil officers for malconduct. The erection of a continental judicature to try offences against the laws of Congress was proposed, and each State was solicited "to use every mean to the completion of the confederation." This paper was submitted to Congress on the twelfth of December, eighty, and was referred to a committee raised to receive and to refer similar papers to such of the executive departments, then in view, as were proper to consider them. A resolution was also passed, rendering the persons employed by Congress amenable to its laws. "Three persons were to be appointed to constitute a court of judiciary for the trial and determination of all causes, in relation to offences committed against the United States in the civil departments thereof;" and an attorney-general, with powers to appoint deputies in each State, who was to prosecute suits for the United States, and to give his advice in all matters referred to him. In February following, Egbert Benson was appointed to this office, under the name of Procurator.

A cotemporaneous measure to fill her quota of troops was suggested in Virginia. It contemplated a bounty in negroes at specified prices for each recruit, to be taken, if not given up, by compulsion; and to be raised from

persons owning at least twenty negroes. Much opposition was anticipated. The measure was proposed to the legislature, but was laid aside.* Madison also commended, as Hamilton previously had done, the raising black regiments, giving them their freedom. This measure was discountenanced by Washington on grounds of military policy and of humanity, and was not carried into effect. "The freedom of these people," it is stated in a letter from Jones to Madison, "is a great and desirable object. To have a clear view of it would be happy for Virginia, but whenever it is attempted, it must be, I conceive, by some gradual course, allowing time, as they go off, for laborers to take their places, or we should suffer exceedingly under the sudden revolution." † Virginia, also at this time, enacted a law rendering her paper a legal tender.‡

The influence of Hamilton's previous suggestions was now seen in the proceedings of Congress. His proposal of single executive officers to fill the four great Departments, made to Duane, was brought before that body by a committee of which he was a member, on the tenth of January, in a plan for "a Department of Foreign Affairs." The head of this Department was to be "a Secretary," charged with the conduct of the foreign affairs of the United States. His duties were defined; and he was "to have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting that department." This feature of the plan probably was owing to the fact that Congress always sat with closed doors.

This measure preceded a short time a proposition for

* Jones to Madison, Nov. 18, 1780.

† Joseph Jones to Madison, Dec. 8, 1780.

‡ Edmund Pendleton to Madison, Dec. 4, 1780.

the establishment of the three other "Civil Executive Departments." These were, a Superintendent of Finance; a Secretary at War; and a Secretary of Marine.

This great advance towards a systematic administration was not made without opposition. The French embassador writes to Vergennes: "Divisions prevail in Congress about the new mode of transacting business by different departments. Samuel Adams, whose obstinate and resolute character was so useful to the Revolution in its origin, but who shows himself very ill suited to the conduct of affairs in an organized government, has placed himself at the head of the advocates for the old system of committees of Congress, instead of relying on ministers or secretaries according to the new arrangement." "Power," Samuel Adams wrote, "will follow the possession of money, even when it is known that it is not the possessor's property; so fascinating are riches in the eyes of mankind. Were our financier, I was going to say even an angel from heaven, I hope he will never have such influence as to gain the ascendency over Congress, which the first lord of the treasury has long had over the parliament of Britain—long enough to effect the ruin of that nation. These are the fears which I expressed in Congress when the department was first instituted. I was told that the breath of Congress could annihilate the financier; but I replied, that the time might come, and if they were not careful, it certainly would, when even Congress would not dare to blow that breath: whether these fears are the mere creatures of the imagination, you will judge." *

While this measure was in contemplation, General Sullivan wrote from Congress to Washington, proposing Hamilton as the head of the treasury department. "How

* Dec. 9, 1783.

far Colonel Hamilton," Washington replied, "of whom you ask my opinion as a financier, has turned his thoughts to that particular study, I am unable to answer, because I never entered upon a discussion upon this point with him. But this I can venture to advance, from a thorough knowledge of him, that there are few men to be found, of his age, who have a more general knowledge than he possesses; and none whose soul is more firmly engaged in the cause, or who exceeds him in probity and sterling virtue." * Sullivan answered: "I am glad to find that you entertain the same sentiments of the virtues and abilities of Colonel Hamilton, as I have ever done myself. After I wrote, I found the eyes of Congress turned upon Robert Morris as financier. I did not, therefore, nominate Colonel Hamilton, as I foresaw it would be a vain attempt."

Hamilton, it will be recollected, had in his letter to Duane suggested Robert Morris as the person fittest to fill this important office. On the twentieth of February Morris was nominated by Floyd, a delegate from New York, and was unanimously elected, Samuel Adams and General Ward refusing to vote. A friend of Gates wrote him from Philadelphia: "The Massachusetts delegates were present, but would not vote. Their concurrence was requested, and they refused it, declaring that they reprobated the plan, though they must submit to the majority of the *voting* States. Mr. Madison of Virginia and others are in nomination for the Foreign Affairs. You are for the Secretaryship of War. Mifflin and others have refused to serve under this arrangement. After all, dear general, they do the best thing we can wish. All the Tories and *Tory Whigs* will come out in full power and be thrown,—a most desirable event. They will then be perfectly harmless. But I would not see you with the

* Feb. 4, 1781.

gang. They must be crushed, and in less than two months after the *new arrangement* is *properly* organized." *

Policy and good feeling had united in favor of an indulgent demeanor towards Gates. An opposite course might have been ascribed to personal hostility on the part of Washington. The cry of persecution would be raised by the partisans of the unfortunate general, and new life be given to the discomfited cabal. Nor was there any where a disposition to treat him harshly. His being superseded in the command, though a measure of necessity, was a sufficient disgrace.

A domestic grief entitled him to sympathy, and it was not withheld. The legislature of Virginia, on his return from Carolina, conferred upon him soothing honors. Soon after his return to Philadelphia, on the twenty-first of May, a resolution passed Congress, declaring that their previous order for a court of inquiry did not suspend him from his command in the line of the army at large, and "as from the situation of affairs in the Southern department, a court of inquiry cannot speedily be held, he was at liberty to repair to head-quarters, and take such command as the commander-in-chief shall direct."

This was as mild a procedure as the circumstances would permit. Gates preferred to retire to his residence in Virginia. A week before this resolution passed, Joseph Reed wrote to him: † "The services you have rendered this country, have ever appeared to me to be such as to entitle you to more consideration than modern policy or prudence would allow. I know of no other instance in the American war where a want of particular success has met with such severe, and, in my judgment, unjust animadversion." He stated his intention to have accompa

* Clajon to Gates, March 8, 1781. † May 13, 1781.

nied him into the city, but was prevented, and also out of the city, but was also prevented, for reasons assigned.

The defeat at Camden was a fatal blow to the cabal. The selection of Gates by Congress, without consulting the commander-in-chief, was their act. It doubtless was made in the hope, that should he be successful, the popularity gained there, would, added to his Eastern strength, give them a complete ascendency, rendered more probable by contrast with the inactivity which the reduced state of the Northern army imposed upon Washington.

The extent of their buoyed, now blasted hopes, is seen in their murmuring regrets, aspersions, detractions, defamations.

Washington could not be displaced. He must be distrusted. To personal hostility, popular jealousies must be brought in aid. The cry of monarchy was heard—that cry which hushed as to him, was raised against Hamilton, continued throughout his life, and which here and there some feeble votary to popular favor, still, in solemn whisper, hints.

Rush took up the key-note Samuel Adams had struck. "A citizen of the United States," he now writes to Gates from Philadelphia,* "who dares to acknowledge himself a friend to monarchy (under any name or shape), is a traitor in the worst sense of the word—a thousand times more unfriendly to our country, than the poor, persecuted enthusiast who worships King George as the necessary head of his church. 'Floreat Respublica' is the motto of my heart, and I hope you and I will never own any sovereign than *God* and the *laws* of our country. This, I know, would be unintelligible stuff to the Sachems on the banks of the Potowmac and Hudson's river, in whom ambition and a lust of power have supplied the place of a love of

* June 12, 1781.

virtue and liberty. But I am happy in writing to one who *feels* as well as understands the meaning of Republican phrases."

In the minds of men so jealous of liberty, a financier was but the forerunner of monarchy, and Rush, some time after,* again writes to Gates a descant on Republicanism, observing: "There is a greater crime in the eyes of some people than treason.—It is republicanism. It will require half a century to cure us of all our monarchical habits and prejudices. At present we are Roman Catholics in government. A pope in religion and a king in power are equally necessary articles with many people. Let us have patience. Our republican forms of government will in time beget republican opinions and manners. All will end well.

"Before this reaches you the fate of Great Britain and the repose of Europe will probably be determined in Chesapeake Bay. Heaven prosper our allies! I long to be satiated with revenge against the Scotch Englishmen. Hyder Ally, is the standing toast of my table. The enemies of Great Britain *any where* and *every where* should be the friends of every American. Virtue, justice and humanity, have exhausted their tears in weeping over her depredations upon human nature.

"Mr. Morris has become a new star in our American hemisphere. Our safety consists in the *number* of our great men. Mr. Dickinson is talked of as successor to Read. Mifflin prefers the floor of the assembly to a seat in the council. Adieu, my dear friend."

Yet ten days after, Morris wrote to Gates: "I know that you have doubts or suspicions that fair play is not meant for you. I differ very much in this respect, and have not the least reason to suppose that any man high in

* Sept. 5, 1781.

authority wishes or means you an injury." He advised him to discard such jealousies, to repair to the busy scenes of the world, to call loudly for the justice he thought his due, to "insist again and again upon being heard, and appear again a champion for fresh laurels and renewed glory." This advice was worthy the source from which it came, but was above the person to whom it was directed. Greene, whose deportment when superseding him, had been carried to the extremest limit of liberality, wrote him a healing letter as to his defeat.

Congress, in the mean time, proceeded to the choice of the heads of departments. McDougall was chosen Secretary of Marine. His acceptance being conditional on his retaining his rank in the army, without the emoluments; the terms not being acceded to, this office was not filled. Five months later, Robert R. Livingston was appointed Secretary of Foreign Affairs. The choice of a minister at war was deferred until the autumn. "The motives," Schuyler wrote to Washington, "which led Congress to postpone filling the war department have leaked out, and been communicated to me. General Gates was in nomination; but his friends, reflecting that the impropriety of appointing him before he had exculpated himself from the imputation of misconduct in his command, would be too glaring an abuse of power, deferred it, in hopes that, by an acquittal, the public confidence will be restored in time. But surely the gentlemen who intend him the office, neither consult his reputation nor the public interest."

The exigencies and the enlightened counsels which prompted Congress to delegate to "an executive ministry" so large a share of their influence, are seen in their new financial policy, too limited, but essentially correct.

Before the knowledge reached Charleston of the reso-

lutions calling in the old continental bills, the holders elsewhere sent them there, where the value was longest upheld, to be immediately realized.* The newly emitted bills were not received there until a long time after the old had ceased to circulate. To secure a small part of their value, purchases were made with them at extravagant nominal prices.

Thus, more depreciated, they were returned after the subjugation of South Carolina, to surfeit the Northern States, and became almost worthless, while the people, not distinguishing between the old and the new bills, between the genuine issued at Philadelphia and those counterfeited at New York, rejected the whole.

Congress in vain would have resisted the unbending laws of value. In September, seventy-nine, after an exhibit of the public debt and of the public resources, they deprecated solemnly such a violation of public faith, as the giving sanction to a valuation below the face of their bills. Ere six months elapsed, they fixed a depreciated value of sixty per cent., and they, now, addressed a circular to the States as to the act for the new emission of bills. This circular stated, that it had been "found expedient to discontinue the emission of paper money," that "the public necessities were not relieved by loans, and that the certificates given by the commissaries and quartermasters, being extinguished in the taxes, the treasury had been destitute of supplies, every resource being cut off at the same instant." "An immediate provision for the pay of the army was indispensably necessary." "If we are unable in this stage of the conflict to defend ourselves by annual taxes, can we hesitate to interpose our responsibility or to contribute a portion of our capital? We have applied for naval succors from abroad, if we

* Ramsay's S. C. ii. 86.

no longer continue unfortunate in the importation, we shall not want a competent supply of clothing, arms and ammunition. We are once more attempting a foreign loan of specie. We have pointed out and required the aids of men, provisions, and money, which in every event must be produced from our own internal resources. With the States, who alone have authority to execute, with an enlightened people, who know how to estimate the blessings for which we contend, it remains to give the measures which we have recommended their full and seasonable effect." The amount called for in specie to pay the army for six months, was less than nine hundred thousand dollars, only one half to be provided immediately! The motive to this urgent call was to quiet a mutinous army, yet it was difficultly complied with.

Nothing could be more indicative of the impotence of Congress. They felt it, and now proceeded to the adoption of the measure proposed by Hamilton, and by the convention at Hartford. It is seen that the distresses of the South now concurred with the wants of the Middle and Eastern States in recommending it. Thus the disasters of each section of the country were working out the great good—a sense of common suffering and a resort to a general common relief.

On the first of February, Congress, in committee of the whole, reported a resolution, that it be recommended to the several States as indispensably necessary, that they pass laws, granting to Congress for the use of the United States, a duty of five per cent. on imported goods. Burke of North Carolina, seconded by Matthews of South Carolina, proposed a substitute, that the States should "vest a power" in Congress "to levy" these duties. The vote being equally divided, according to the rules of Congress, this amendment passed.

A concurrent power with the States, it was perceived by Witherspoon, a very intelligent member from New Jersey, a native of Scotland and president of Princeton College, who had recently been re-elected to Congress, would be nugatory. Five days after the previous resolution, he offered another, declaring, that "the United States in Congress assembled should be vested with a right of superintending the commercial regulations of every State, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the *exclusive* right of laying duties on all imported articles," nine States concurring—that these duties should be uniform, and should cease, when the objects for which they were to be raised were "perfected;" Congress being prohibited from appropriating them for perpetual or indefinite interests. This limitation was rejected, and a resolution was passed, recommending the vesting power in Congress to levy, for the use of the United States, a duty of five per cent. ad valorem, at the time and place of importation, upon all imports of foreign growth and manufacture, except articles imported on account of the United States or any of them, excepting wool and cotton cards and the wire for making them, and except salt, during the war; also a like duty on prizes and prize goods. The proceeds were to be appropriated to the discharge of the principal and interest of the debts contracted, or which might be contracted on the faith of the United States, for supporting the war.

To reconcile the States to this grant of power, it was soon after declared, that the revenues arising from these duties should be carried to the general credit of the States granting it, at the first session of their respective legislatures. To prevent delay, it was also resolved, to proceed in the execution of this power, as soon as the States,

whose legislatures shall assemble, should grant it, for which purpose the several executives were to be urged forthwith to convene them. The principal object of this last resolution probably was to avoid the operation of the articles of confederation which were formally ratified on the first of March of this year. The annual revenue from this source was estimated at half a million of dollars.

The discontinuance of the emission of paper money, it has been seen, was an act not less of justice than of necessity, as the new emission bills tainted by the old continental bills had ceased to pass. But this justice was imperfect while the public debts were payable in these bills, and while the laws making them a legal tender were in force. Congress, on the twentieth of April, performed their duty, declaring, that all debts due from the United States, which had been liquidated in specie value, and all debts payable in specie or other money equivalent, should be actually paid in specie, or other money equal thereto, according to the current exchange between such money and specie. They also recommended to the States, to amend their laws, so that the bills of credit emitted by Congress should not be a tender, in any other manner than at their current value compared with gold and silver. The whole twelve States approved these resolutions. There was only one dissenting member. A requisition followed for a million and a half of dollars. Absolute as was the necessity to extirpate a paper circulation, Congress, nevertheless, in their extreme penury, authorized, soon after, an issue of specie certificates in settlement of liquidated accounts, payable at the expiration of a year for a million of dollars. Ere long, they also directed the treasurer of the United States to draw on the treasurer of each State, orders in payment of their respective quotas due and to become due.

They also ordered that the supplies of the army should be by contract at a stipulated price in gold and silver; and stating that experience had evinced the failure of all attempts to support the credit of paper money by compulsory acts, recommended the States where laws making paper bills a tender still existed to repeal them.

Encouraged by these indications of a disposition to act upon sound principles of finance; and convinced that the true means of relief was the resort to a measure by which a new "mass of credit" could be created, and the depreciated paper be replaced by a currency of fixed value adequately sustained, Hamilton, while about to retire from the staff of Washington, resumed his plan of a National Bank.

This plan, with some important preliminary remarks, he communicated to the superintendent of finance on the thirtieth of April. This was the last day of his relation as aide-de-camp, having closed his services to Washington by a communication to Rochambeau, explanatory of an intercepted letter of the commander-in-chief, to which the French commanders had taken exception.

He wrote to Robert Morris:

April 30th, 1781.

"I was among the first who were convinced that an administration by single men was essential to the proper management of the affairs of this country. I am persuaded, it is the only resource we have to extricate ourselves from the distresses which threaten the subversion of our cause. It is palpable that the people have lost all confidence in our public councils, and it is a fact, of which I dare say you are as well apprised as myself, that our friends in Europe are in the same disposition. I have been in a situation that has enabled me to obtain a better idea of this than most others, and I venture to assert, that

the court of France will never give half the succors to this country while Congress hold the reins of administration in their own hands, which they would grant if these were entrusted to individuals of established reputation, and conspicuous for probity, abilities, and fortune.

"With respect to ourselves, there is so manifest and rooted a diffidence of the government, that if we could be assured the future measures of Congress would be dictated by the most perfect wisdom and public spirit, there would be still a necessity for a change in the forms of our administration, to give a new spring and current to the passions and hopes of the people. To me it appears evident, that an executive ministry, composed of men with the qualifications I have described, would speedily restore the credit of government abroad and at home; would induce our allies to great exertions in our behalf; would inspire confidence in moneyed men in Europe, as well as in America, to lend us those sums of which it may be demonstrated we stand in need, from the disproportion of our national wealth to the expenses of the war.

"I hope, sir, you will not consider it a compliment, when I assure you that I heard, with the greatest satisfaction, of your nomination to the department of finance.

"In a letter of mine last summer to Mr. Duane, urging, among other things, the plan of an executive ministry, I mentioned you as the person who ought to fill that department. I know of no other in America who unites so many advantages; and, of course, every impediment to your acceptance is to me a subject of chagrin. I flatter myself, Congress will not preclude the public from your services, by an obstinate refusal of reasonable conditions; and as one deeply interested in the event, I am happy in believing you will not easily be discouraged from undertaking an office, by which you may render America and

the world no less a service than the establishment of American independence. 'Tis by introducing order into our finances, by restoring public credit, not by gaining battles, that we are finally to attain our object. 'Tis by putting ourselves in a condition to continue the war, not by temporary, violent, and unnatural efforts to bring it to a decisive issue, that we shall in reality bring it to a speedy and successful one. In the frankness of truth, I believe, sir, you are the man best capable of performing this great work.

"In expectation that all difficulties will be removed, and that you will ultimately act on terms you approve, I take the liberty to submit to you some ideas, relative to the objects of your department. I pretend not to be an able financier. It is a part of administration which has been least in my way, and of course has least occupied my inquiries and reflections; neither have I had leisure or materials to make accurate calculations. I have been obliged to depend on memory for important facts, for want of the authorities from which they are drawn.

"With all these disadvantages, my plan must necessarily be crude and defective; but it may be a basis for something more perfect, or if it contains any hints that may be of use to you, the trouble I have taken myself, or may give you, will not be misapplied. At any rate, the confidence I have in your judgment, assures me that you will receive with pleasure communications of this sort. If they contain any thing useful, they will promote your views, and the public benefit; if not, the only evil is the trouble of reading them; and the best informed will frequently derive lights even from the reveries of projectors and quacks. There is scarcely any plan so bad as not to have something good in it. I trust mine to your candor, with this apology,—you will at least do justice to my intention."

With these preliminary remarks, he proceeds to the inquiry as to "what ought to be done in the finances of the United States?" First, to estimate its capacity for revenue, and the proportion between its abilities and its wants, by examining the proportion the revenues other countries have borne to their wealth, and applying the rule to America. Second, by comparing the result of that rule with the product of taxes in those States which have been most earnest in taxation.

The result obtained, by an examination applied to Great Britain, France, and the United Provinces was, that the revenue is one-fourth of the circulating cash in commercial countries, so far as this is a just representative of its labor and commodities.

He then states the current cash of America, previous to the war, to have been about thirty millions of dollars, of which one-eighth was specie; and that the proper revenue, at that time, was seven and a half millions of dollars. But as the system of taxation was carried to an extreme in those countries, that the rule is inapplicable in its full extent to the United States; though a much larger amount than might be expected, could be levied during the war, without burthening the poorer classes, from the greater equality of fortunes, and a more equal division of the public burthens.—Making the necessary qualifications, he arrives at the result, that the present revenue was one-fifth less than it had been before the war. Having adverted to the causes of the diminished circulation, which he considers as principally artificial, he comes to the conclusion, allowing for the diminution of foreign trade, and the loss of territory, that the States have a net revenue of six millions of dollars; a result which is nearly confirmed by a detailed examination of the previous product of the taxes, of which Massachusetts was supposed to have raised one-fifth.

Taking this as the amount of revenue, he next proceeds to ascertain, by general rules, the military capacity of the country, which although it had at times risen to thirty thousand men, might be estimated at twenty thousand. The expenses incident to the support of which force, with the necessary civil expenditures, rendering the amount of the annual charges of the country less than eleven millions of dollars, left a deficit of four and a half millions to be supplied by credit, foreign or domestic. He then examines the prospect from foreign loans, which, taking into view the political and financial embarrassments of France, he supposes may justify an expectation of a loan annually of eight or ten millions of livres, which would only meet a third of the national wants.

From Spain, after remarking on her cold and passive policy, in pursuance of which the bills drawn on her, though not rejected, had not been paid, he expects nothing. "Their method of prosecuting the war, can scarcely be resolved into Spanish supineness, but seems to have a more corrupt original. A bigoted prince, governed by a greedy confessor, is a character on which little dependence can be placed."

Holland, as a government, stands in need of all its credit for its own uses. But from the Dutch capitalists much might be expected, though not on the faith of the United States, by the establishment of a system such as he is about to propose. The prospects of internal loans to government, both from the want of confidence, and the more advantageous terms of traffic in which individual wealth could be employed, he rates very low.

"To surmount these obstacles," he observes, "and give individuals ability and inclination to lend, a plan might be devised which, by incorporating their means together, and uniting them with those of the public, will, on the founda-

tion of that incorporation and union, erect a mass of credit that will supply the defect of moneyed capital, and answer all the purposes of cash.—A plan which will not only advance the interest of the lenders, secure the independence of their country, and in its progress have the most beneficial influence upon its future commerce, but be a source of national strength and wealth. I mean," he says, "the institution of a national bank. This I regard, in some shape or other, as an expedient essential to our safety and success, unless by a happy turn of European affairs, the war should speedily terminate, in a manner upon which it would be unwise to reckon. There is no other that can give to government that extensive and systematic credit, which the defect of our revenues makes indispensably necessary to its operations. The longer it is delayed, the more difficult it becomes. Our affairs grow every day more relaxed and more involved. Public credit hastens to a more irretrievable catastrophe. The means for executing the plan are exhausted in partial and temporary efforts. The loan now making in Massachusetts, would have gone a great way in establishing the funds on which the bank must stand.

"I am aware of all the objections that have been made to public banks, and that they are not without enlightened and respectable opponents. But all that has been said against them only tends to prove, that like all other good things, they are subject to abuse, and when abused, become pernicious. The precious metals, by similar arguments, may be proved to be injurious. It is certain that the moneys of South America have had great influence in banishing industry from Spain, and sinking it in real wealth and importance. Great power, commerce, and riches, or, in other words, great national prosperity, may, in like manner, be denominated evils; for they lead to in-

solence, an inordinate ambition, a vicious luxury, licentiousness of morals, and all those vices which corrupt a government, enslave the State, and precipitate the ruin of a nation. But no wise statesman will reject the good, from an apprehension of the ill. The truth is, in human affairs there is no good, pure and unmixed. Every advantage has two sides; and wisdom consists in availing ourselves of the good, and guarding, as much as possible, against the bad.

"The tendency of a national bank is to increase public and private credit. The former gives power to the State, for the protection of its rights and interests, and the latter facilitates and extends the operations of commerce among individuals.

"Industry is increased, commodities are multiplied, agriculture and manufactures flourish, and herein consist the true wealth and prosperity of a State.

"Most commercial nations have found it necessary to institute banks; and they have proved to be the happiest engines that ever were invented for advancing trade. Venice, Genoa, Hamburgh, Holland, and England, are examples of their utility. They owe their riches, commerce, and the figure they have made at different periods, in a great degree, to this source. Great Britain is indebted for the immense efforts she has been able to make in so many illustrious and successful wars, essentially to that vast fabric of credit, raised on this foundation. 'Tis by this alone, she now menaces our independence. She has indeed abused the advantage, and now stands on a precipice. Her example should both persuade and warn us. 'Tis in republics, where banks are most easily established and supported, and where they are least liable to abuse. Our situation will not expose us to frequent wars, and the public will have no temptation to overstrain its credit.

"In my opinion, we ought not to hesitate, because we have no other resource. The long and expensive wars of King William had drained England of its specie; its commerce began to droop for want of a proper medium; its taxes were unproductive, and its revenues declined. The administration wisely had recourse to the institution of a bank, and it retrieved the national difficulties. We are in the same, and still greater want, of a sufficient medium. We have little specie; the paper we have is of small value, and rapidly declining to less. We are immersed in a war for our existence as a nation, for our liberty and happiness as a people. We have no revenues, nor no credit. A bank, if practicable, is the only thing that can give us either the one or the other. Besides these great and cardinal motives to such an institution, and the advantages we should enjoy from it in common with other nations, our situation, relatively to Europe and to the West Indies, would give us some peculiar advantages.

"Nothing is more common than for men to pass from the abuse of a good thing to the disuse of it. Some persons, disgusted by the depreciation of the money, are chimerical enough to imagine it would be beneficial to abolish all paper, and annihilate the whole of what is now in circulation, and depend altogether upon specie, both for commerce and finance. The scheme is altogether visionary, and in the attempt would be fatal. We have not a competent stock of specie in this country, either to answer the purpose of circulation in trade, or to serve as a basis for revenue. The whole amount of what we have, I am persuaded, does not exceed six millions of dollars, one-fifth of the circulating medium before the war. To suppose this would be sufficient for the operations of commerce, would be to suppose that our domestic and foreign

commerce were both reduced four-fifths; a supposition that carries absurdity on the face of it. It follows, that if our paper money were destroyed, a great part of the transactions of traffic must be carried on by barter; a mode inconvenient, partial, confined; destructive both of commerce and industry. With the addition of the paper we now have, this evil exists in too great a degree."

Having shown that if all the specie could be drawn into the treasury annually, the consequence of such a measure, which never was effected in any country, would be a complete stagnation of business; and that a recourse to taxes in kind would prove wholly inefficacious, he proceeds to observe,—

"The error of those who would explode paper money altogether, originates in not making proper distinctions. Our paper was, in its nature, liable to depreciation, because it had no funds for its support, and was not upheld by private credit. The emissions under the resolution of March, 1780, have partly the former advantage, but are destitute of the latter, which is equally essential. No paper credit can be substantial or durable, which has not funds, and which does not unite immediately, the interest and influence of the moneyed men, in its establishment and preservation. A credit begun on this basis will, in process of time, greatly exceed its funds; but this requires time, and a well-settled opinion in its favor. 'Tis IN A NATIONAL BANK ALONE THAT WE CAN FIND THE INGREDIENTS TO CONSTITUTE A WHOLESOME, SOLID, AND BENEFICIAL PAPER CREDIT."

The length to which these extracts have extended does not warrant the publication more at large of this elaborate document. A mere outline of the plan, consisting of twenty articles, is all that will now be given.

The capital of the bank was to consist of a stock of

three millions of dollars, divided into thirty thousand shares, to be exempted from all taxes and impositions.

The subscription, according to the respective amounts, to be in proportionate quantities of specie, personal, and landed securities; the object being to secure the largest possible amount of specie. The bank to have all legal corporate immunities, and the stock to be protected from attachment, making each member of the incorporation liable, by suit, to the extent of his stock.

The privilege of subscribing for one-half of the capital stock, to be reserved to the United States, to the particular States, or to foreigners, and the United States to become conjointly responsible with the private proprietors, for all the transactions of the bank, which was to be authorized to issue notes, with and without interest, a part only payable in America, the residue in Europe. The aggregate of the notes not to exceed the amount of the bank stock; with a power to lend at an interest not to exceed eight per cent., and to borrow to the amount of one-half of its stock,—to purchase estates, by principal or by annuities,—to have the privilege of coining, to the amount of one-half of its stock, (the quantity of alloy, &c., to be determined by Congress,) and to have, also, the power of discounting foreign bills of exchange,—to receive deposits of plate or money, which deposits were to be exempt from taxation,—to have the right of contracting with the French government, for the supply of its fleets and armies in America, and to contract with Congress for the supply of their armies,—with a condition to lend the United States, on a certain unalienable fund of one hundred and ten thousand four hundred pounds per annum, the sum of twelve hundred thousand pounds, at an interest of eight per cent., payable in twenty years, or sooner, at the option of Congress, and a similar rate to

govern all future loans; for which fund the United States, and the individual States, to be severally pledged. The object of this loan was to enable Congress to get through the expenses of the year.

The bank to become responsible for the redemption of all the paper; the old, at forty for one, in parts of one-third, at the end of every ten years, with interest at five per cent.; the new, as specie, in six years, so as to fulfil the previous engagements of Congress; for which responsibility, adequate funds, payable to the bank, equal to the discharge of the whole paper currency in thirty years, bearing an interest of two per cent., were to be established.

The bank notes to be received in payment of all public customs and taxes, at an equivalent with gold and silver, with power to dissolve itself at pleasure, having made effectual provision for the payment of its debts. Its stock to be transferable. To be chartered for thirty years, and no other bank, public or private, to be permitted during that period. Three offices to be established, one in each of the States of Massachusetts, Pennsylvania, and Virginia, to facilitate the circulation and payment of the bank notes; the whole to be managed by twelve general directors, eight to be chosen by the private proprietors, and four by Congress; the minister of finance having the privilege of inspecting all their proceedings.

A full examination of the principles of the proposed institution would exceed the proper limits of this work, but a few desultory observations on some of the features of this plan, may not be misplaced.

The introduction of landed security, as a part of the capital stock, is the provision which, in a merely commercial view, might perhaps have been deemed most objectionable. But it is to be remembered, that commercial

convenience was merely an incidental consideration. The primary object was similar to that of the bank of England; after absorbing the previous issues, to obtain a monopoly of the circulation, and by that means to secure a safe and uniform currency.

But had the sole purpose of Colonel Hamilton been the granting facilities to trade, it is by no means obvious that his plan would have been less effective.

It is true, that the country would not furnish an adequate amount of specie, or of equivalent available personal securities to fill the stock; and that for this reason, the deficiency was sought to be supplied by landed security. But this landed security, though less readily convertible than the government debt of England, which forms the basis of its bank, might be pledged for an amount of cash of relative value, and there would still exist the use of the lands, and the use of the value of its representative.

That the landed security was not convertible to meet the immediate wants of the bank, would be less objectionable, in the minds of those who entertain the opinion, not without strong reasons, that the capital of a bank should remain a permanent vested fund, upon which to base a credit, not a fund to be appropriated to its current uses.

It is possible that this provision might have diminished the number of merely moneyed subscribers; but as this plan was to go into operation, at a time when the prevailing distrust of paper securities would dispose individuals, amidst a choice of evils, to prefer an institution which would furnish this additional support, to a capital of which the specie component was the most alluring ingredient, this disadvantage would have been more than compensated.

The power of coining money, was introduced merely

to enable the bank to convert its plate into specie; but it was a power which, under proper checks, might have been extended with advantage.

The privilege of contracting with the French government, for the supply of its armies, was highly desirable from this consideration, that the greater part of the specie was derived from the expenditures of France, and passing through the bank, would have increased its credit and efficiency, while the great profits to be derived from the contracts, would have offered large inducements to subscribers.

The article which rendered the bank responsible for the redemption of the existing paper, had in view the importance of relieving the country from a medium of fluctuating values which infected all credit. The amount of the annuity to be secured by Congress to the bank, was not fixed, from the difficulty of estimating the whole amount of the government issues; a difficulty which was increased by this circumstance, that this plan proposed to embrace all the State emissions, as essential to every efficient scheme of finance,—a fact of high interest, in reference to the great question of the "Assumption," which threatened an insuperable obstacle to the fiscal system of the present government.

The permission to the bank to dissolve itself at pleasure, was introduced to encourage men to adventure in it, from a confidence, that when once engaged, the profits would induce them to continue.

In reply to the inquiry, where funds are to be procured, in the present impotent state of the federal government, Colonel Hamilton says, "I answer, there are ample means, and they must be had. Congress must deal plainly with their constituents; they must tell them that power without revenue, is a bubble; that unless they give

them substantial resources of the latter, they will not have enough of the former, either to prosecute the war, or to maintain the Union in peace; that, in short, they must, in justice to the public, and to their own honor, renounce the vain attempt of carrying on the war without either;—a perseverance in which can only deceive the people, and betray their safety. They must demand an instant, positive, and perpetual investiture of an impost on trade; a land tax, and a poll tax, to be collected by their own agents. This Act to become a part of the Confederation. It has ever been my opinion that Congress ought to have complete sovereignty in all but the mere municipal law of each State; and I wish to see a CONVENTION OF ALL THE STATES, with full power to alter and amend, finally and irrevocably, the present futile and senseless confederation."

After stating the plan of the bank, "these," he says, "as has already been observed, are only intended as outlines. The form of administration for the bank, and all other matters, may be easily determined. If the leading principles are once approved, we shall find good models in the different European banks, which we can accommodate to our circumstances. Great care, in particular, should be employed to guard against counterfeits; and I think, methods may be devised that would be effectual.

"I see nothing to prevent the practicability of a plan of this kind, but a distrust of the final success of the war, which may make men afraid to risk any considerable part of their fortunes in the public funds; but without being an enthusiast, I will venture to assert, that with such a resource as is here proposed, the loss of our independence is impossible. All we have to fear is, that the want of money may disband the army, or so perplex and enfeeble our operations, as to create in the people a general disgust

and alarm, which may make them clamor for peace on any terms. But if a judicious administration of our finances, assisted by a bank, takes place, and the ancient security of property is restored, no convulsion is to be apprehended. Our opposition will soon assume an aspect of system and vigor, that will *relieve* and *encourage* the people, and put an end to the hopes of the enemy. 'Tis evident, they have it not in their power to subdue us by force of arms;—in all these States they have not more than fifteen thousand effective troops, nor is it possible for them much to augment this number. The East and West Indies demand reinforcements. In all the islands, they have not, at this time, above five thousand men; a force not more than equal to the proper garrisoning of Jamaica alone, and which, the moment they lose a maritime superiority in those seas, will leave them much cause to fear for their possessions. They will probably send out fifteen hundred or two thousand men to recruit their regiments already here, but this is the utmost they can do.

"Our allies have five thousand men at Rhode Island, which in the worst event that can happen, will be recruited to eight, to co-operate with us on a defensive plan.—Should our army amount to no more than fifteen thousand men, the combined forces, though not equal to the expulsion of the enemy, will be equal to the purpose of compelling them to renounce their offensive, and content themselves with maintaining one or two capital points. This is on the supposition, that the public have the means of putting their troops in activity. By stopping the progress of their conquests, and reducing them to an unmeaning and disgraceful defensive, we destroy the national expectation of success, from which the ministry draw their resources.—They are in a situation, where the want of splendid successes is ruin. The game we

play, is a sure game, if we play it with skill. I have calculated, in the preceding observations, on the most disadvantageous side. *Many events may turn up in the course of the summer to make even the present campaign decisive.*" A summary calculation to show the ability of the States to pay their debts after the establishment of independence, closed this able essay.

On the twenty-sixth of May, the Superintendent of Finance replied:

"It is some time since I received your performance, dated the thirtieth April last. I have read it with that attention which it greatly deserves, and finding many points of it to coincide with my own opinions on the subject, it naturally strengthened that confidence which every man ought to possess, to a certain degree, in his own judgment. You will very soon see the plan of a bank published, and subscriptions opened for its establishment, having already met with the approbation of Congress. It only remains for individuals to do their part, and a foundation will be laid for the anticipation of taxes and funds, by a paper credit that cannot depreciate. The capital proposed, falls far short of your idea, and, indeed, far short of what it ought to be; but the capital may afterwards be increased to almost any amount. To propose a larger sum in the outset, and fail in the attempt to raise it, might prove fatal; to begin with what is clearly in our power to accomplish, and on that beginning to establish the credit that will inevitably command the future increase of capital, seems the most certain road to success. I have thought much about interweaving a land security with the capital of this bank, but am apprehensive it would convey to the public mind an idea of paper being circulated on that credit; and that the bank, of consequence, must fail in its payments in case of any consider-

able run on it, and we must expect that its ruin will be attempted by external and internal foes. I have, therefore, left that point to the future deliberations of the directors of this bank, to whom, in due time, I shall communicate your address. I esteem myself much your debtor for this piece, not merely on account of the personal respect you have been pleased to express, but also on account of your good intentions; and for these, and the pains you have taken, I not only think, but on all proper occasions shall say, the public are also indebted to you.

"My office is new, and I am young in the execution of it. Communications from men of genius and abilities will always be acceptable, and yours will ever command the attention of, sir, your obedient, humble servant, &c."

The plan referred to in this letter was submitted to Congress on the seventeenth, adopted on the twenty-sixth,* and published, with an address from Mr. Morris, on the twenty-eighth of May, 1781.

The capital was to be four hundred thousand dollars, in shares of four hundred dollars each, payable in gold or silver. Its notes were made payable on demand, and receivable for taxes: a power was given to enlarge the capital: the superintendent of finance was authorized to inspect the books; and on the last day of the year, an ordinance passed, incorporating it under the name of the Bank of North America.

Great as was the merit of Morris in the suggestion of

* The votes on this question, give an important indication of the views of Congress, at that day, on this "constructive power." Of the eleven States present, eight, viz., New Hampshire, Rhode Island, Connecticut, New Jersey, Maryland, Virginia, North and South Carolina, and Georgia, were in favor. Massachusetts was against it, with one vote from Pennsylvania. *Of the four members from Virginia, James Madison was alone in the negative.*

this plan, he acquired a still stronger title to applause for the skill, energy, and judgment, with which it was carried into execution.

His principal reliance for a supply of coin, was founded upon an engagement of the Governor General of Havannah to remit to the United States four hundred thousand dollars in specie, to be repaid by annual shipments of flour, which were to be guarantied by France, but which engagement was not fulfilled.

It has been stated that the whole specie capital of this bank, when it commenced its operations, did not exceed forty thousand dollars; and such was the apprehension of this small resource being exhausted, that persons were employed, during the earlier part of its existence, to follow those who had demanded specie and obtain it from them, at any price, so as to return it into the coffers of the bank.

This institution, nevertheless, soon obtained extensive confidence; ministered largely to the wants of government; and after its utility had been fully tested in furnishing a medium of exchange throughout the States, as safe and more convenient than the precious metals; relief in the payment of the public burthens; increased facilities to the internal and external commerce of the country; the State of Pennsylvania, by which it also had been incorporated, under the delusion of popular prejudice, repealed its charter, on the extraordinary ground of the dangerous influence of foreign capital, on the free institutions of the country. It forgot that without such capital, that freedom, and those institutions, would probably not have been established; but the returning good sense of the State renewed the charter the ensuing year.

Hamilton's plan of a national bank was, it is seen, but a part of that larger system of measures on which his thoughts were fixed. The convention of all the States to

establish a constitution of government proposed by him to Duane, met with little countenance in Congress. The articles of confederation were to them a new, and an untried experiment. Not alive to the dangers of unbalanced power, they were content to seek relief to the public necessities, in solicitations to amend the confederation, and to enlarge its powers.

With this view, a grand committee of the States was appointed. After frequent deliberations, a report was presented by them late in July. It first enumerated the several instances in which the confederation required execution. These instances are chiefly important as showing the basis of several of the subsequent provisions of the federal constitution. The report then proceeds:

"As America became a confederate republic to crush the present and future foes of her independence; as of this republic a general council is a necessary organ, and without the extension of its power in the cases enumerated, war may receive a fatal termination, and peace be exposed to daily convulsions," it recommended to the States the grant of certain specified powers.

These were—to lay embargoes in time of war without any limitation; to prescribe rules for impressing property into the service of the United States during the present war; to appoint collectors of and direct the mode of accounting for taxes imposed; to recognize the independence of, and admit into the Union any part or more of the United States with the consent of the dismembered States; to stipulate in treaties with foreign nations for the establishment of consular powers without reference to the States individually; to distrain the property of a State delinquent in its assigned proportion of men or money; to vary the rules of suffrage in Congress and in specified cases, to require a concurrence of two-thirds of the States.

A representation was ordered to the States of "the necessity of these supplemental powers, and of pursuing, in the modification of them, one uniform plan."

The recent unanimous proposal of New York to authorize the exertion of military force as an instrument of government, ought to have been enough to alarm a true jealousy of liberty; but a proposal now made to Congress, the confederation having been ratified, shows the perilous progress of certain opinions. It came from Madison, who, in the recent vote to incorporate a bank, had been one of a minority of only four members, and who justified his vote on the ground that such an incorporation was the exercise of an implied power of fearful import. "As the confederation now stands," he wrote to Jefferson, "and according to the nature even of alliances much less intimate, *there is an implied right of coercion* against the delinquent party," to be exercised "whenever a palpable necessity occurs." The coercion proposed was, in case one or more of the confederated States shall *refuse* or *neglect* to abide by the determination of the United States in Congress assembled, and to observe all the articles of the confederation, as required by the "thirteenth article," the employment "of the forces of the United States, as well by sea as by land, to compel such State or States to fulfill their federal engagements, and particularly to make distraint on any of the effects, vessels and merchandises of such State or States, or *any of the citizens thereof*, wherever found; and to prohibit and prevent their trade and intercourse, as well with any other of the United States and the citizens thereof as with any foreign State, and as well by land as by sea, until full compensation or compliance be obtained with respect to all requisitions made by the United States in Congress assembled in pursuance of the articles of confederation!"

This tremendous power, the analogy to which is seen in the worst feature of ancient and modern confederacies, proving fatal to them; and which Jefferson pronounced a fairly implied power, was well described by Hamilton, as a proposition "TO ENACT A CIVIL WAR."

In his letter to Duane, Hamilton is seen to have looked to the influence of reason on the public mind exerted through the public press. "If a convention is called," he there says, "the minds of all the States, and the people, ought to be prepared to receive its determinations by sensible and popular writings."

To induce the call of such a convention was now his great object. On being relieved from the duties of the staff, he repaired to Albany, and there employed a part of his leisure in preparing an appeal to the people. This appeal he entitled, as most indicative of its comprehensive purpose, "THE CONTINENTALIST." It was in the form of a series of essays, which were published in a paper selected by the State to print its laws.*

The first number appeared on the twelfth of July, during a session of the Legislature of New York.

"On a retrospect of our transactions, under the disadvantages with which we commenced," he remarked, "it is perhaps more to be wondered at that we have done so well, than that we have not done better. There are, indeed, some traits in our conduct, as conspicuous for sound policy, as others for magnanimity. But on the other hand, it must be confessed, there have been many false steps, many chimerical projects, and Utopian speculations in the management of our civil, as well as of our military affairs. A part of these were the natural effects of the spirit of the times dictated by our situation. An extreme jealousy of power is the attendant on all popular revolu-

* Loudon's New York Packet.

tions, and has seldom been without its evils, It is to this source we are to trace many of the fatal mistakes, which have so deeply endangered the common cause; particularly that defect, which will be the object of these remarks,—a want of power in Congress." Having thus opened his subject, he proceeds to exhibit the effects of this jealousy, as shown in the history of ancient and modern confederacies; stating the principle, that "in a government framed for durable liberty, not less regard must be paid to giving the magistrate a proper degree of authority, to make and execute the laws with vigor, than to guard against encroachments upon the rights of the community. As too much power," he said, "leads to despotism, too little leads to anarchy; and both eventually to the ruin of the people."

In confirmation of this view, he, in the second number,* marks the strong distinction between a single State where the danger is, that the sovereign will become too powerful for his constituents, he having "the whole legislative power, as well as the command of the national forces," and a league, or association of federate States. "The security" in such a State "of the public liberty, must consist in such a distribution of the sovereign power, as will make it morally impossible for one part to gain ascendency over the others, or for the whole to unite in a scheme of usurpation." Widely different was the case of a confederacy. There "each member has a distinct sovereignty," with all the incidental powers and influences. It is ready organized to resist usurpation "with celerity and vigor." The tendency to dissolution is largely shown from the force of natural inclinations and by historical examples. In the

* Since the publication of the Works of Hamilton, the editor has fortunately obtained the missing numbers.

third number, he points out the different situations of the United States from those of the European federative governments, and the certainty, their removed situation inspiring security from foreign dangers, that, "if the FEDERAL GOVERNMENT SHOULD LOSE ITS AUTHORITY, CIVIL WARS would follow." The probabilities of this are deduced from the principles of human nature, and the condition of the confederacy at that time. "The government unable to command the means to pay, clothe, or feed their troops. The enemy making an alarming progress in the Southern States, lately in complete possession of two of them—though now in part rescued by the genius and exertions of a general without an army—a force under Cornwallis still formidable to Virginia. We ought to blush, when we acknowledge that this is a true picture of our situation, when we reflect, that the enemy's whole force in the United States, including their American levies, and the late reinforcement, is little more than fourteen thousand effective men; that our population, by recent examination, has been found to be greater than at the commencement of the war, that the quantity of our specie has also increased, that the whole country abounds with all the necessaries of life, and has a sufficiency of foreign commodities, with a considerable progressive commerce, that we have, beyond comparison, a better stock of warlike materials, than when we began the contest, and an ally, as willing as able, to supply our further wants. And that we have on the spot four thousand auxiliary troops, paid and subsisted by that ally, to assist in our defence." "Nothing," he remarks, "but a GENERAL DISAFFECTION of the people, or MISMANAGEMENT in their RULERS can account for the figure we make, and for the distresses and perplexities we experience, contending with so small a force." That it is not the former cause, is

shown by the small numbers who had joined the enemy, notwithstanding the severe and long-continued struggle. It not resulting from the disaffection of the people, the cause must be "the impolicy and mismanagement of the rulers." Too much readiness had been shown to make concessions of the powers implied in the original trust. Too sanguine a reliance on foreign aid. The resources and th energy of England and the enthusiasm of her people had been underestimated. There was too confident an expectation of peace. But if an early peace should be concluded, the contingencies of that peace to the United States ought to present motives for increased exertions. It might involve a sacrifice of part of the territory of the United States.—The conclusion was, that, "we ought without delay to ENLARGE THE POWERS of CONGRESS. Every plan, of which this is not the foundation, will be illusory. The private exertions of the States will never suffice. Nothing but a well-proportioned exertion of the resources of the whole, under the direction of a common council, with power sufficient to give efficacy to their resolutions, can preserve us from being a CONQUERED PEOPLE NOW, or can make us a HAPPY PEOPLE hereafter."

This being admitted, "the principal difficulty," he stated, "yet remains to fix the public judgment definitively on the points which ought to compose that enlargement. Nothing short of the following articles can suffice: The POWER OF REGULATING TRADE comprehending a right of granting bounties and premiums by way of encouragement; of imposing duties of every kind as well for revenue as regulation; of appointing all officers of the customs; and of laying embargoes in extraordinary emergencies. Second. A moderate levied tax, throughout the United States, of a specific rate per pound or per acre,

granted to the Federal Government in perpetuity; and, if Congress think proper, to be levied by their own collectors. Third. A moderate capitation tax to be also vested in perpetuity, and with the same condition of collection. Fourth. The disposal of all unlocated land for the benefit of the United States. Fifth. A certain proportion of the product of all mines discovered or to be discovered, with the same right of collection. Sixth. The appointment of all land (as well as naval) officers of every rank."

"The three first articles are of IMMEDIATE NECESSITY, the three last would be of great present, but of much greater future utility; the whole combined, would give solidity and permanency to the UNION. The great defect of the confederacy is, that it gives the United States no property, or, in other words, no revenue, nor the means of acquiring it, inherent in themselves, and independent on the temporary pleasure of the different members. And power without revenue in political society, is a name. While Congress continue altogether dependent on the occasional grants of the several States, for the means of defraying the expenses of the Federal Government, it can neither have dignity, vigor, nor credit. Credit supposes specific, permanent funds for the punctual payment of interest, with a moral certainty of the final redemption of the principal." This subject is argued at some length.

The revenue, it was admitted, would be deficient. This deficiency must be supplied by loans, and such loans can only be effected on the basis of a revenue vested in Congress. One of the means of loaning indicated, is a national bank.

The succeeding numbers were written at this time, but their publication was accidentally delayed.

The fifth is devoted to an argument of the necessity

of vesting Congress with the power of REGULATING TRADE. This is widely discussed, and the consequences of conflicting State tariffs are distinctly portrayed. The policy of England, of France, and of Holland, in the protection of their infant manufactures, is adduced as an example, and the advantages of a revenue derived from import duties are indicated. A plan is proposed to meet the embarrassments resulting from State tariffs, if adhered to; and the question how far the consumer pays the duty is examined, a wise caution being given against a too ready resort to abstract reasonings, without regard to the many exceptions that must be admitted, in questions affecting the existence and collective happiness of the States.

The sixth, and concluding number, depicts the consequences of not vesting Congress with this power of regulating trade. But while urging a power of regulation, the discretion, which is his great characteristic—a discretion of exertion, never leading to indecision or want of energy, —is also seen.

"Easy duties on commerce, especially on imports," he remarks, "ought to lighten the burdens which will unavoidably fall upon land." "The great art is to distribute the public burthens well, and not to suffer them, either first or last, to fall heavily on parts of the community."

While the necessity is shown of granting to the Federal Government adequate funds, the policy of its relying on a compound of permanent and occasional supplies is exhibited. "The Federal Government," he observes, "should neither be INDEPENDENT nor too much DEPENDENT. It should neither be raised above responsibility or control, nor should it want the means of maintaining its own weight, authority, dignity and credit. To this end, permanent funds are indispensable; but they ought to be of such a nature and so moderate in their amount, as never to be inconvenient."

The collection of the national revenues, by officers appointed by Congress, is shown to be essential to the success of the system, and is urged from the farther consideration, that their appointment, and also that of all military officers, of every rank, would be the means of creating, in the interior of each State, a mass of influence in favor of the Federal Government. "The great danger," he says, has been shown to be, "that it will not have power enough to defend itself, and PRESERVE THE UNION; not that it will ever become formidable to the general liberty. A mere regard to the interests of the confederacy will never be a principle sufficiently active to curb the ambition and intrigues of different members. Force cannot effect it.

"A contest of arms will seldom be between the common sovereign and a single refractory member, but between distinct combinations of the several parts against each other; a sympathy of situations, will be apt to produce associates to the disobedient. The application of force is always disagreeable; the issue uncertain. It will be wiser to obviate the necessity of it, by interesting such a number of individuals in each State in support of the Federal Government, as will be a counterpoise to the ambition of others, and will make it difficult for them to unite the people in opposition to the just and necessary measures of the Union. There is something noble and magnificent in the perspective of a great FEDERATIVE REPUBLIC, closely linked in the pursuit of a common interest, tranquil and prosperous at home, respectable abroad; there is something proportionably diminutive and contemptible, in the prospect of a number of petty States, with the appearance only of union,—jarring, jealous, and perverse,—without any determined direction,—fluctuating and unhappy at home, weak and insignificant

by their dissensions in the eyes of other nations. Happy America, if those to whom thou hast entrusted the guardianship of thy infancy, know how to provide for thy future repose, but miserable and undone, if their negligence or ignorance permits the spirit of discord to erect her banners on the ruins of thy tranquillity!"

Such were the sentiments of a man, whose views have been so much, and so designedly misrepresented; whose strong solicitude for the liberties of America, saw in the constitutional strength of each department of government, the only security against usurpation; who sought to connect with every grant of power, its appropriate check; and, who having advised every precaution for the public safety, which the most prudent foresight could suggest, believed that a generous confidence on the part of the people, was as essential to their happiness, as an honest administration by their rulers.

CHAPTER XXVII.

Most important events were now concentrating upon Virginia. The Eastern, the Middle, the Southern States, one excepted, had vied with each other in public and private exertions and sacrifices. Amid this great competition of patriotism, this great holocaust to Freedom, Virginia had stood, was standing, almost aloof. Upon the funeral pyre of brave hearts and lofty hopes, she was among the first to kindle, she seemed content to have cast a few costly jewels, and then to have turned away.

Were the people of Virginia less brave, less true? History gives the reply. The wrong, the gross wrong she did the Union—herself—the cause—all were the results of misplaced confidence in a theoretical patriot. Bewailing the wrong, she yet honors the wrong doer.* "Counting a militia of fifty thousand, thirteen thousand of whom inhabited the country adjacent to the seat of war," † she might in one campaign have rescued the Carolinas from the enemy and expelled the invaders from her soil. The language of the immediate actors in the scene shows to whom the failure of duty is to be ascribed.

"Your troops," General Greene wrote to Jefferson, when his eyes first beheld them with pity at Charlotte, "may literally be said to be naked, and I shall be obliged

* Sidney. † Life of Greene, ii. 55.

to send a considerable number of them away into some secure place and warm quarters, until they can be furnished with clothing. It will answer no good purpose to send men here in such a condition, for they are nothing but a dead weight upon the army, and altogether incapable of aiding in its operations. There must be either pride or principle to make a soldier. No man will think himself bound to fight the battles of a state that leaves him to perish for want of covering; nor can you inspire a soldier with the sentiment of pride, while his situation renders him more an object of pity than of envy." *

"It will scarcely be credited by posterity," writes one of the most distinguished soldiers of Virginia, General Henry Lee, "that the governor of the oldest State in the Union, and the most populous, should have been driven out of its metropolis, and forced to secure personal safety by flight, and its archives, with all its munitions and stores, yielded to the will of the invader, with the exception of a few, which accident, more than precaution, saved from the common lot. Incredible as the narrative will appear, it is nevertheless true." † The legislature adjourned on the last day of December, when news of Arnold's arrival came. "The people in the lower country finding the metropolis gone and the enemy unresisted, followed the example of the government, abandoned their habitations, exposed their families to the misery of flight, and left their property at the mercy of the invader. What ills spring from the timidity and impotence of rulers! In them, attachment to the common cause is vain and illusory, unless guided in times of difficulty by courage, wisdom, and concert." ‡

Affronted, aggrieved, and amazed at the revolting

* Life of Greene, by Johnson, i. 339. † Lee's Southern War, ii. 6.
‡ Lee's Southern War, ii. 14.

scene before him, the brave old veteran Steuben felt it necessary to his honor to vindicate himself. On the eighth of January, he addressed a circular to Washington and to the Board of War. In this indignant exposition, he mentions his call upon the governor and council for military aid, relates the progress of the enemy, his powerless, hopeless condition, his final successful effort to deter their crossing the James. "Not a single man," he wrote, "except those I had sent out," (these were one hundred and fifty raw recruits,—all he had,) "presenting himself to oppose the approach of the enemy, I thought it prudent to cross the river in the evening, and took my quarters in Manchester. Next day about twelve o'clock, the enemy took possession of" Richmond, "having marched twenty-five miles with eight hundred and thirty men and about thirty horse without receiving a single shot." "About three hundred militia had arrived at Westham on their way down, but hearing of the enemy's approach, and being without arms, they dispersed. The greatest distress we now feel is the want of arms. Great part of those belonging to the State were damaged by the militia during the last invasion, were scattered at different places, and never collected or repaired. Those which were at Richmond were on the enemy's approach sent off in such disorder, that part of them are not yet to be found. The militia are *now coming in*, and no arms to put in their hands, whilst, on the other side, General Nelson has fifteen hundred stands, and not five hundred men!" *

Jefferson excused himself by a strict construction. "As arms," he wrote Steuben,† "were never among the requisitions made by Congress on the several States, this State never supposed it would be expected they should

* Steuben's papers in collection of New York Historical Society.

† Life of Greene, by Johnson, i. 489.

provide that article for their quota of continental troops. They have only had in view, to procure from time to time, as many as might arm their militia when necessity required the calling them into service. From this stock they have furnished arms for continental use, till it is so reduced that they have not the smallest prospect of being able, from the State magazines, to spare as many as will arm their own continental levies."

That it was not the people of Virginia but their governor, that was remiss, is beyond all question. "The militia," Steuben wrote a week after the capture of Richmond, "the militia are coming in from all quarters, but without arms. It is impossible to describe the situation I am in. Nothing can be got from the State, rather for want of arrangement than any thing else." "Large numbers of men," he remonstrates to Jefferson, "are hourly crowding to this place, destitute of arms, applying to me for orders, but I think it would be highly improper for me to interfere with them. I must beg leave to *suggest* to your excellency that men without arms can answer no purpose, but the consumption of provisions." "The militia already embodied are without camp-kettles, and entirely destitute of tents. As we may expect snow and severe weather in a day or two, I beg your excellency would appoint an officer whose business it may be to collect the tents belonging to the State as soon as possible."

The first duty of Steuben was to collect and forward reinforcements to Greene. He had succeeded in organizing a corps of four hundred continentals under Campbell, and twenty-six hundred militia under Weedon, Nelson and others, who were on march to the Dan. He thus excuses his delay to Greene: "I have not ceased tormenting the governor for the clothing for the troops at this

place; but, with all my importunities, I do not think I should have been able to have equipped them here in six weeks, if a quantity of stores had not arrived from the northward."

With feelings mortified and patience exhausted, Steuben regretting his "ill success," entreated Greene to call him to the Southern army. The exigencies of Virginia forbade it.

In vindication of himself, Jefferson prepared an official statement.* He represented Virginia as having in the field two thousand three hundred and twenty-one men, and acknowledged a deficiency below her quota of three thousand one hundred and eighty-eight. "Arms," he admitted, "we have none, nor can by any means procure them." The number of men actually with Greene he stated were twelve hundred and sixty, that the whole number in service engaged for the war were only two hundred and four! "the rest for various and generally very short terms of service."

The field return of the army exhibited a different result. The Virginia brigade showed a total rank and file fit for duty of five hundred and thirty-four men, thirty matrosses, and seventy-four cavalry. This was about one-half of the number claimed by Jefferson. The cavalry computed at three hundred never equalled one hundred, from a State abounding in horses and in horsemen.

It has been previously said, the fault was not with the people. On the nineteenth of February, Stevens was ordered by Greene to engage volunteers in the service for six months, and, before four days had expired, a thousand men were enrolled.

The following day, Muhlenberg, a native of Penn-

* Feb. 10, 1781.

sylvania, who had laid aside the crook for the sword, a Lutheran clergyman, now a general, wrote to Greene: "I must acknowledge it is derogatory to the honor of the State, to suffer such a handful of men to retain possession so long, (now six weeks,) but what, my dear general, is to be done? They are strongly fortified. I have near two thousand men, and among the whole three hundred bayonets and two brass pounders!"

Arnold, shut up in Portsmouth, was not a little alarmed for his safety. For this he was indebted to the delay of a French squadron ordered to the Chesapeake. This squadron left New Port the eighth of March, was followed two days after by a part of the British fleet, and overtaken near the Capes of Virginia. An indecisive action took place, the fleets separated, and the French returned to Rhode Island.

The advance of La Fayette towards Virginia indicated the necessity of reinforcing Arnold. Near the end of March, General Philips, with two thousand troops, joined him, busy strengthening his lines. Steuben now wrote to Jefferson, informing him that the term of service of the troops under Muhlenberg was about to expire, and urged their re-enlistment. He proposed to send forward more aid to Greene. Five hundred were called for, he states "only *seven* have come in—of these *two* have deserted." "All confirms my opinion," he wrote to Jefferson, "that it will be impossible for the Southern army to continue in the field without an immediate succor, and it is with pain I announce to your excellency, that the hope of one's being sent from this place is very distant."

Philips, upon whom the command had devolved, was not long ignorant of the impotence of the government. Having completed the fortifications of Portsmouth, he felt himself justified in advancing from the seaboard. Meet-

ing no serious resistance, he penetrated the State in separate detachments, destroying the public stores, wasting private property, and the last of April, after a skirmish with Steuben, who retreated to Richmond, occupied Petersburg. Being joined by Arnold, who, in the interval, had broken up a naval force in the James, he advanced to Manchester, opposite Richmond.

La Fayette in the mean time, his troops in fine spirits, being supplied with necessaries by means of a loan upon his individual credit effected at Baltimore, made a rapid march, and succeeded in reaching the capital of Virginia, the previous night. Philips abandoned his object, and retired down the border of the James. There he remained until advised by Cornwallis to repair again to Petersburg, where the British forces in Virginia were to concentrate.

Anticipating this purpose, La Fayette would have prevented its completion, and with this view moved towards that town, but, finding Philips in possession of it, he again passed over the James, and took post a few miles below Richmond.

Cornwallis, having made his toilsome march through North Carolina, now crossed the Roanoke.

He quickly profited of Jefferson's unwillingness to offend the people. A law had been passed authorizing the impressment of horses. The law was unpopular and was objected to. It excepted those used for breeding. The fine blooded riding horses of the State were removed to the interior, and, yielding to popular clamor, Jefferson privately discouraged the impress.

Cornwallis thus found, on his entrance into Virginia, a full supply. He mounted the steeds, which ought to have borne the defenders of their country,* with a thousand

* Life of Greene, ii. 59.

men, pushed through the alarmed unopposing counties watered by the Meherin and the Nottoway, and on the twentieth of May reached Petersburg, panting for a new scene of glory.

Steuben had written Jefferson a few days before, Armand's legion "is in a very distressed condition, not having received pay since June last, and not being provided with clothing by the public, are naked." Two days after he wrote: "It is true that only two men have been employed by this State for the reparation of arms since January. At present there are six added to them from the battalion of continental troops that are here. This shameful neglect I have acquainted the governor with, but scarcely hope for an amendment."

Steuben certainly was not dallying along the path of popularity. On the twenty-third of May, he wrote to Washington and to the Board of War, that, although the quota of Virginia was near six thousand men, her assembly had determined "to raise only three thousand, and those only for eighteen months." He remonstrated through Jefferson, to the now reassembled legislature, that of these but four hundred and fifty were raised—that the equipment of three hundred cavalry was of the highest moment, but that the price limited by law was "utterly inadequate to the purchase of the meanest horse."

On the same day,* La Fayette wrote to his friend from Richmond:

"My dear Hamilton,—I have been long complaining that I had nothing to do; and want of employment was an objection I had to my going to the southward. But for the present, my dear friend, my complaint is quite of an opposite nature; and I have so many arrangements to make, so many difficulties to combat, so many enemies to

* May 28.

deal with, that I am just that much of a general as will make me an historian of misfortunes, and nail my name upon the ruins of what good soldiers are pleased to call the army in Virginia.

"There is an age past since I heard from you. I acknowledge that on my part I have not written so often as I ought to have done; but you will excuse this silence in favor of my very embarrassing circumstances. However remote you may be from your former post of aide-de-camp to the commander-in-chief, I am sure you are nevertheless acquainted with every transaction at head-quarters. My letters have served to your information, and I shall consequently abstain from repetitions. Our forced march saved Richmond. Philips was going down, and thus far I am very happy. Philips's return, his landing at Brandon, south side of James River, and the unmolested journey of Lord Cornwallis through North Carolina, made me apprehensive of the storm that was gathering. I advanced towards Petersburg, and intended to have established a communication upon James and Appomatox rivers. Had Philips marched to Halifax, I was determined to follow him, and should have risked every thing rather than omit making a diversion in favor of Greene. But that army took possession of Petersburg, and obliged me to stick to the side of the river, whence reinforcements are expected. Both armies have formed their junction of between four and five thousand men. We have no continentals; their infantry is near five to one; their cavalry ten to one. Our militia are not numerous, without arms, and are not used to war. Government wants energy; and there is nothing to enforce the laws. General Greene has directed me to take command in this State, and I must tell you, by the way, his letter is very polite and affectionate. It then became my duty to ar-

range the departments, which I found in the greatest confusion and relaxation; nothing can be obtained, and yet expenses are enormous. The baron, and the few new levies we could collect, are ordered to South Carolina. I am glad he goes, as the hatred of the Virginians to him was truly hurtful to the service. Is it not strange that General Wayne's detachment cannot be heard of? They are to go to Carolina; but should I have them for a few days, I am at liberty to keep them. This permission I will improve so far as to receive one blow, that, being beat, I may at least be beat with some decency. There are accounts that Lord Cornwallis is very strong, others make him very weak. In this country there is no getting good intelligence. I request you will write me, if you approve of my conduct. The command of the waters, the superiority in cavalry, and the great disproportion of forces, gave the enemy such advantages that I durst not venture out, and listen to my fondness for enterprise; to speak truth, I was afraid of myself as much as of the enemy. Independence has rendered me the more cautious, as I know my own warmth; but if the Pennsylvanians come, Lord Cornwallis shall pay something for his victory.

"I wish a reinforcement of *light infantry*, to recruit the battalions, or a detachment under General Huntington was sent to me. I wish Laurens or Sheldon were immediately despatched with their horse. Come here, my dear friend, and command our artillery in Virginia. I want your advices and your exertions. If you grant my request, you will vastly oblige your friend."

Cornwallis, the next day, crossed the James at Westover, whence, being reinforced by a detachment from New York, he moved forward, meditating a blow at La Fayette. Too weak to meet the enemy, the latter retired

rapidly to the upper country, in the hope of being joined by Wayne, and with this view crossed the Rapidan.

Finding himself unable to overtake him, Cornwallis resolved to strike at nearer objects. Simcoe was detached to Point of Fork, where were military stores in charge of a few militia, and Tarleton was ordered with a body of mounted men to "disturb the assembly then sitting at Charlotteville."* This body had been convened at this beautiful spot on the right bank of the Rivanna, as a place far beyond the reach of the enemy. Here, while charges of impeachment for his recent misconduct were pending, and when Virginia was in immediate danger of being overrun, Jefferson abandoned the government, and retired to his seat at Monticello! A short time before, he wrote to Washington, that the force of the enemy was "seven thousand;" that "privateers were ravaging the shores of the rivers;" that "between two and three thousand men were embodied to protect the western frontier, threatened by British and Indian savages."

Thus environed with difficulties, he besought the commander-in-chief to repair to Virginia, "to restore full confidence of salvation to its citizens." "A few days," he wrote, "will bring to me that relief which the constitution has prepared for those oppressed with the labors of my office, and a long declared resolution of relinquishing it to abler hands, has prepared my way for retirement to a private station: still, as an individual, I should feel the *comfortable* effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem and respect, with which I have the honor to be," &c.†

Madison recently had written to him: "Notwithstanding the personal advantages which you have a right to

* Cornwallis to Sir Henry Clinton. † Memoirs of Jefferson, i. 222.

expect from an emancipation from your present labors, and the interest you have given me in your leisure by the manner of your correspondence, I cannot forbear lamenting that the State, in the present crisis, is to lose the benefit of your administration. But as you seem to have made up your final determination in the matter, and have, I doubt not, well weighed all the reasons on which it is grounded, I shall lament it in silence."

Having, on the second of June, enclosed a resolution of the house of delegates to General Morgan to come forward in the present emergency, Jefferson retired from office, but his retreat was not undisturbed.

Tarleton, on the fourth of June, with his swift dragoons dashed into Charlotteville. Private intelligence, brought on a fleet horse, informed the legislature of their danger. Excepting seven members who were captured, they fled beyond the Blue Ridge. Jefferson being apprised "the enemy were ascending the hill of Monticello, plunged into the woods" * of Carter's Mountain and escaped. "We know not," Steuben wrote the next day, "what has become of the legislature or executive."

The legislature reassembled at Staunton on the seventh, and thence again invoked the aid of Morgan: "We are truly sensible of the alacrity with which the people on this side of the mountains will join you; they wish to be commanded by you. We therefore entreat that you lose no time in joining the marquis. *Had we an executive body, qualified to act,* we doubt not they would have addressed you on the subject; but we flatter ourselves, that this requisition, coming from the speakers of the two houses of assembly, will have the same weight as from that body."

Having sent on some cavalry, Morgan with a corps of riflemen hastened to La Fayette.

* Memoirs of Jefferson, iv. 42.

In this extremity, Richard Henry Lee forgot his prejudices and his fears of military power. "Let General Washington," he wrote, "be immediately sent to Virginia with two or three thousand good troops. Let Congress, as the head of the federal Union, in this crisis, direct, that until a legislature can convene and a governor be appointed, the general be possessed of dictatorial powers, and that it be strongly recommended to the assembly, when convened, to continue these powers for six, eight or ten months, as the case may be; and that the general may be desired instantly on his arrival in Virginia, to summon the members of both Houses to meet where he shall appoint, to organize and resettle their government." * On the same day General Nelson was chosen governor, a choice welcomed by Greene. Washington declined the proffered power.

Jefferson had twice escaped the enemy, the next thing was to escape public disgrace and punishment. The charges preferred against him by Nicholas, owing to this dispersion of the legislature, were not acted upon. A correspondence was opened through "the mediation of a mutual friend," and at the next session, the State being relieved from danger by the capture of Yorktown, Nicholas dropped, in compassion, the fatal accusation. Jefferson took his seat in the legislature, and this body, not free from the disgrace, passed a healing vote of thanks of past and prospective expurgation. †

* June 12.

† In a *defence* of Jefferson, published in Virginia, September 19, 1800, it is stated that a committee was appointed on the twenty-sixth of November, 1781, to state any charges, and receive such information as *may be offered* respecting the administration of the late executive. On the day appointed for the inquiry, Jefferson *took his seat* as one of the delegates. The member who moved the investigation absented himself, and the committee reported, "no information being *offered* on the subject matter, except rumors," their opinion that

In the absence of an enemy, Cornwallis now marched high up the James.* While advancing towards Albemarle Court House, the deposit of a quantity of military stores, La Fayette being joined by the Pennsylania line under Wayne, recrossed the Rapidan, moved rapidly upon him, and encamped within a day's march of his place of destination. The earl, to secure his object, and hoping to intercept the Americans, took post at Elk Island, throwing forward his light troops to a position which he supposed they would pass. La Fayette discovering a nearer road, crossed the Rivanna, and took ground upon the route of the British to Albemarle old Court House. Here a body of mountain militia came up. Overestimating the adverse force, Cornwallis abandoned the small objects in view, and retired, first to Richmond, and thence to Williamsburg. La Fayette cautiously followed, until reinforced by Steuben, when, seeing himself at the head of four thousand men, one half regulars, he pressed rapidly on.

An order being received by Cornwallis to detach a part of his force to New York as soon as he had established himself in safety, he retired from Williamsburg.

On his march, Wayne resolved to capture an advanced piece of artillery, believing it to be unsupported. While approaching it, he beheld the whole British army, moving towards him, in order of battle.

Seeing that he could not with safety retreat, he took the bold measure of charging their line with his small body, in number only eight hundred men. A spirited

those rumors were groundless; and passed a resolution, "to obviate all future, and remove all former, unmerited censure." The resolution bore date 12th December, 1781.

* The movements in Virginia are stated from Marshall, i. 437, with some additions from Simcoe, Tarleton, and La Fayette.

combat ensued, and was "gallantly maintained" * until dark, when La Fayette, seeing his danger, ordered him to retreat and to form in line with the light infantry, a short distance in his rear. The whole party retreated behind a swamp, and the next day retired to Green Springs.

Cornwallis did not profit of his victory. Though superior in numbers, and with every advantage on his side, he did not pursue this inferior force, worn down by long, frequent, sultry marches, without the protection of cavalry, and with insufficient supplies; but hastened to Portsmouth, thence, in obedience to the previously-mentioned order of Sir Henry Clinton, to detach a part of his force to New York.

This order proceeded from apprehensions of an attack on that post, indicated by the movements of the allied troops. Washington, hoping to assail Clinton in his weakened condition, moved down the Hudson. The sixth of July, Rochambeau joined him. The right of the Americans laid upon the Hudson as low as Dobbs' Ferry, the French encamped upon their left, extending to the Bronx, on both sides of which stream forts were erected, the batteries traversing each other.

This junction of the allies indicating some decisive purpose, Hamilton, who was early apprised of it, hastened from Albany to head-quarters at Dobbs' Ferry, which he reached two days after the French army had come up.

Thence he wrote to his wife on the tenth of July:

"The day before yesterday I arrived here, but for want of an opportunity could not write any sooner; indeed, I know of none now. Finding, when I came here, that nothing was said on the subject of a command, I wrote the general a letter, and enclosed him my commission. This morning, Tilghman came to me in his name,

* Tarleton's Campaigns, p. 354.

pressed me to retain my commission, with an assurance that he would endeavor by all means, to give me a command, nearly such as I could have desired in the present circumstances of the army. Though I know you would be happy to hear I had rejected this proposal, it is a pleasure my reputation would not permit me to afford you. I consented to retain my commission, and accept the command. I quarter, at present, by a very polite and warm invitation, with General Lincoln, and experience from the officers of both armies every mark of esteem." * *

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The command was formed by the organization of New York troops into a battalion, which, confided to Hamilton, became part of the advanced corps of the army. A detachment of the enemy into New Jersey offering a favorable moment for the contemplated attack upon New York, dispositions were made for that purpose. The sudden return of the detachment rendering it inexpedient, the advanced parties rejoined the army.

Advices that part of the British troops were recalled from Virginia, the arrival of a reinforcement of Hessians, and the weak state of the Americans, all seemed to render the success of such an attempt uncertain and remote. In a recent conference with Rochambeau at Weathersfield, Washington intimated that the arrival of the French fleet, then in the West Indies, on the American coast, might render more distant operations expedient. He now began to contemplate a southern expedition, with which view, late in July, orders were given to Greene and to La Fayette to prepare for such a contingency. In the middle of August the hoped for intelligence arrived, that De Grasse might be expected in the Chesapeake with a large fleet, and three thousand troops, but that his presence on

the American coast was limited by his engagements to the middle of October.

Immediate orders were given to La Fayette to take such a position as would best enable him to prevent the sudden retreat of Cornwallis into North Carolina, which the arrival of so formidable an armament might prompt. Wayne, if he had not advanced too far, was to be halted.

NOTE.

A letter from Colonel Meade, of Virginia, recently aid-de-camp to Washington, addressed to Hamilton, on the thirteenth of January, 1781 (Works, i. 208), a few days after the capture of Richmond, states: "Arnold, you know, was coming here. He has really been here, and, *with shame* be it said, marched twenty-five miles and back, without having a single musket fired at him; but let me observe, in justice to the people at large, that there are fewer disaffected by far, in this State, than any other in the Union, and that the people turn out with the utmost cheerfulness. The misfortune, on the present invasion, was, that in the confusion the arms were sent *everywhere*, and no timely plan laid to put them into the hands of the men who were assembling. The Baron has, no doubt, given the General the particulars of the whole affair. *He can hardly be himself, and say any thing on the subject that ought not to be credited.*"

Col. Samuel Smith to O. H. Williams, June, 1781: "Cornwallis's troops rid thro" (Virginia) "without opposition. The gentlemen have all fled beyond the mountains with a small remains of property, and the poor have no arms to defend themselves. Oh, Virginia! Is this your boasted pride? Perhaps, now, eased of their riches and deprived of their slaves, they may become useful members of society."

CHAPTER XXVIII.

Cornwallis, in the mean time, had changed his position, and taken possession of the opposite points which command the entrance of the river York. This movement was in obedience to express orders from Sir Henry Clinton, that he should establish a defensive post for the protection of ships-of-the-line either at old Point Comfort in Hampton Roads, or at Yorktown. A survey rendering it obvious that the works of the former would not command the entrance into Hampton Roads, nor secure the ships when lying at anchor, within them, Cornwallis had no other option, under his orders, than to fortify York and Gloucester.* The first of August, part of his army took possession of these posts, and on the twenty-second the whole was concentrated there.

This order of Sir Henry Clinton was in conformity with the recent policy of the British cabinet, to reduce Pennsylvania, Maryland and Virginia, under the belief that Washington would be compelled to take refuge in the Eastern States. "So very contemptible," Lord George Germain wrote to Clinton, "is the rebel force now, in all parts, and so vast is our superiority every where, that no resistance on their part is to be apprehended, that can

* Stedman, ii. 396.

materially obstruct the progress of the king's arms in the speedy suppression of the rebellion."

To prevent the retreat of Cornwallis was the first object of the Americans. With this view, Wayne, under the pretext of reinforcing Greene, was detached to the south side of the James, La Fayette holding himself ready to co-operate with him, should the enemy move.

To insure the aid of De Grasse, Du Portail was ordered to meet him on his arrival, bearing a joint letter from Washington and Rochambeau, stating their views—first, an united attack upon the enemy in Virginia—next, the recovery of Charleston, and urging him to send up the Elk all his frigates, transports and vessels, for the conveyance of the united troops down the Chesapeake. The Superintendent of Finance was called upon to provide transports and the necessary supplies.

Hamilton now announced to his wife that he had attained his wish: "I wrote you by the last post, in which I informed you that I had taken command of my corps. Major Fish is with me. I prize him both as a friend and an officer." A few days after he apprised her of his expected departure for the south: "In my last letter I informed you that there was a greater prospect of activity now, than there had been heretofore. I did this to prepare your mind for an event which, I am sure, will give you pain. I begged your father, at the same time, to intimate to you, by degrees, the probability of its taking place. I used this method to prevent a surprise, which might be too severe to you. A part of the army, my dear girl, is going to Virginia; and I must, of necessity, be separated at a much greater distance from my beloved wife. I cannot announce the fatal necessity, without feeling every thing that a fond husband can feel. I am unhappy—I am unhappy beyond expression. I am unhappy,

because I am to be so remote from you; because I am to hear from you less frequently than I am accustomed to do. I am miserable, because I know you will be so; I am wretched at the idea of flying so far from you, without a single hour's interview, to tell you all my pains and all my love. But I cannot ask permission to visit you. It might be thought improper to leave my corps at such a time, and upon such an occasion. I must go without seeing you—I must go without embracing you—alas! I must go. But let no idea, other than of the distance we shall be asunder, disquiet you. Though I said the prospects of activity will be greater, I said it to give your expectations a different turn, and prepare you for something disagreeable. It is ten to one that our views will be disappointed, by Cornwallis retiring to South Carolina by land. At all events, our operations will be over by the latter end of October, and I will fly to my home. Don't mention I am going to Virginia."

It was of the utmost importance to conceal the destination of the army. The idea was thrown out, that the French fleet was expected at Shrewsbury, and that the army was to march and join it there. Ovens were built at Chatham as though for the supply of the French troops, others near Sandy Hook, and forage was contracted for, to be delivered there. "Thirty boats, built on the North River, were mounted on carriages, ready to be taken into the line of march, with the ostensible design of making a descent on Staten Island." * A stratagem was also resorted to by Washington, which proved entirely successful. An individual, who had been employed by him to gain intelligence, was ascertained to be in the pay of Sir Henry Clinton. This person was sent to headquarters, where a map was left in his view, prepared for

* Journal of Trumbull, aide-de-camp to Washington.

the purpose, marked with the pretended route of the army to Shrewsbury, and with plans of a land and naval attack upon New York. Anxious to confirm his impressions, this person sought an interview with Hamilton, and under semblance of zeal for the American interests, inquired the destination of the army. Confident that a disclosure by him of the actual intentions of the commander-in-chief would be the most certain means of misleading, as it could not be supposed that he would communicate such an important and confidential secret, Hamilton at once replied, "We are going to Virginia." The spy hastened with this intelligence to Clinton, who was thus confirmed in the opinion which the interception of certain despatches had caused.

The command of the troops, destined for the protection of West Point, being confided to General Heath, the American army crossed the Hudson to Stony Point on the twenty-first of August, followed immediately by that of France. To keep up the deception, the Americans moved by way of Chatham, Springfield, and New Brunswick. The French halted at Whippany. On the thirtieth, Washington, accompanied by Rochambeau, proceeded from Trenton to Philadelphia, where they remained five days, preparing to forward the troops, nearly all of whom were compelled to march to Elk, for want of vessels on the Delaware. At Chester, Washington received the joyful tidings of the arrival of De Grasse in the Chesapeake. When this important news reached Philadelphia, it echoed with joy. Merry fellows, mounted on scaffolds and stages, pronounced funeral orations on Cornwallis and lamentations upon the Tories. People ran in crowds to the residence of the French minister, and "Long live Louis the Sixteenth" was the universal cry.* The day

* Memoir of Abbé Robin, p. 46.

after this intelligence, the advance of the army reached the head of Elk. From this place Hamilton wrote on the sixth of September: "Yesterday, my lovely wife, I wrote to you inclosing a letter in one to your father, to the care of Mr. Morris. To-morrow the post sets out, and we embark for Yorktown. I cannot refuse myself the pleasure of writing you a few lines. Constantly uppermost in my thoughts and affections, I am happy only when my moments are devoted to some office that respects you. I would give the world to be able to tell you all I feel, and all I wish, but consult your own heart, and you will know mine. What a world will soon be between us! To support the idea, all my fortitude is insufficient. What must be the case with you, who have the most female of female hearts? I sink at the perspective of your distress, and I look to heaven to be your guardian and supporter. Circumstances which have just come to my knowledge, assure me that our operations will be expeditious, as well as our success certain. Early in November, as I promised you, we shall certainly meet. Cheer yourself with this idea, and with the assurance of never more being separated. Every day confirms me in the intention of renouncing public life, and devoting myself wholly to you. Let others waste their time and their tranquillity in a vain pursuit of power and glory; be it my object to be happy in a quiet retreat, with my better angel." Again he wrote from Annapolis: "How chequered is human life! How precarious is happiness! How easily do we often part with it for a shadow! These are the reflections that frequently intrude themselves upon me, with a painful application. I am going to do my duty. Our operations will be so conducted, as to economize the lives of men. Exert your fortitude and rely upon heaven."

At this time, possibly in the hope of inducing the re-

turn of Washington to the north, an expedition, consisting of two thousand three hundred men, was detached from New York under Arnold to make a descent upon Connecticut. He did not hesitate to deepen his treason with the blood of his native State. Landing at the mouth of the tranquil Thames, he boldly attacked the forts which command the harbor, carried them after a spirited resistance, burnt the town of New London, and retired, commending his troops for their "intrepidity and firmness." The wanton cruelty of the invaders was long a theme of just reproach. A sword was plunged into the body of the commanding officer of Fort Griswold, while presenting his own in the attitude of a prisoner, as a punishment for his courage; and his troops were bayoneted after they had surrendered. It was the last act in the life of a reckless renegade. The tidings of this pitiless maraud reached Hamilton at the moment he was looking anxiously at the head of his advanced corps to the promised cooperation of De Grasse.

Being apprised of the positions of the British army, several vessels of war were detached by the French admiral to block the mouth of the York. They conveyed an auxiliary body of troops under the command of the Marquis de St. Simon, from the fleet to join La Fayette, who, after taking measures to intercept Cornwallis should he attempt a retreat, repaired to Williamsburg.

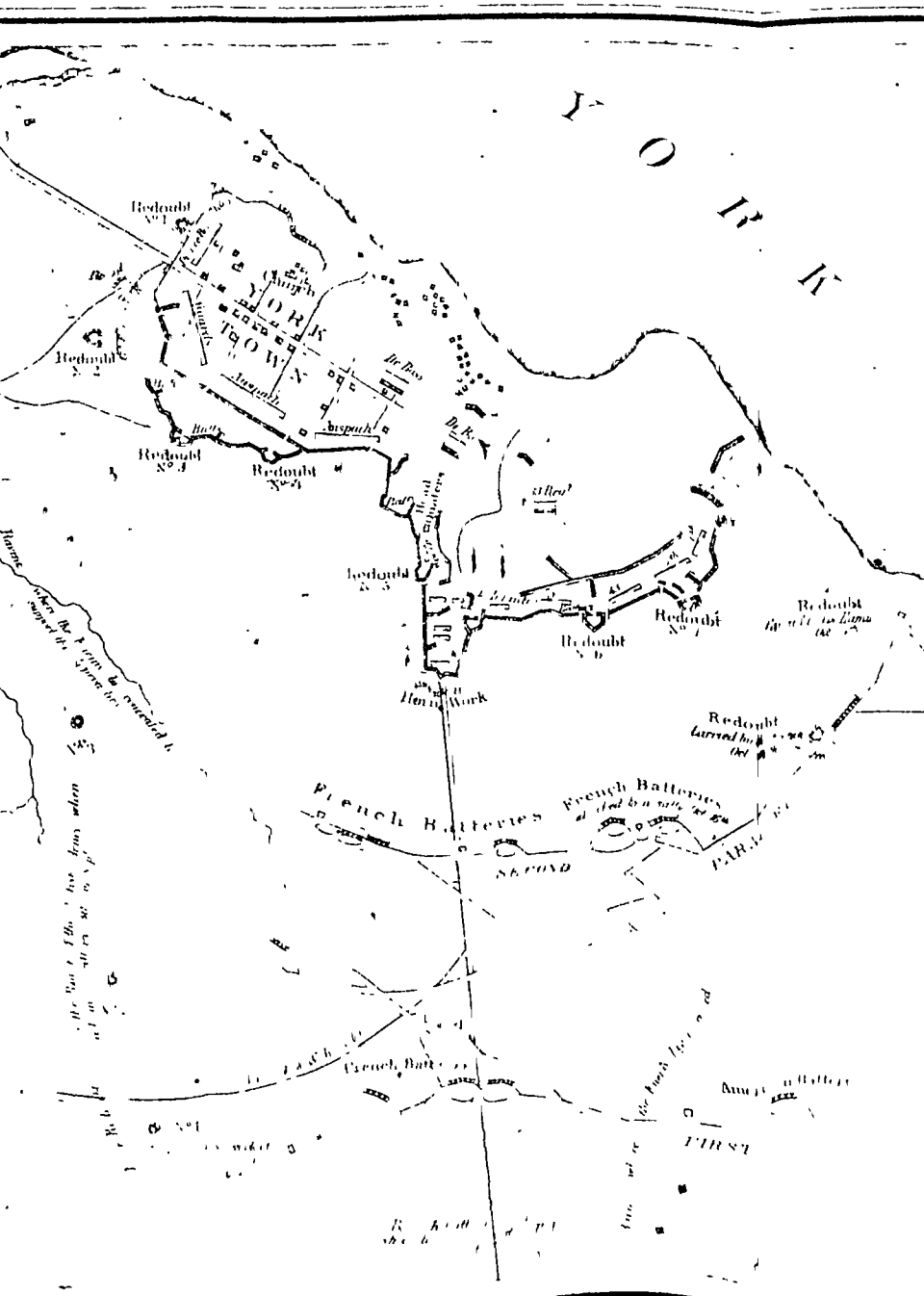
Having visited Mount Vernon on his route, where he entertained the French generals and their suites, Washington reached La Fayette the fifteenth of September. Hence he announced to Congress, that De Grasse had put to sea, driven the British, who followed him, from the coast, and that De Barras with a squadron from New Port had arrived in the Chesapeake. On receiving information of the departure of De Grasse, he ordered "the

troops who were embarked" at Annapolis "to be stopped." But learning his return, he wrote to Lincoln, in charge of the American army: "Every day we now lose is an age. As soon as it is in our power with safety, we ought to take our position near the enemy. Hurry on, then, my dear sir, with your troops on the wings of speed."

He now, in company with Rochambeau, Chastellux, Knox and Du Portail, made a visit to De Grasse on board the Ville de Paris to concert the operations, and on his return to Williamsburg found Lincoln disembarking. Buoyant with the prospect of success, at the moment the troops were preparing to march toward the enemy, a letter from De Grasse announced a change of purpose. The arrival of a reinforcement of British ships alarmed him for the safety of his fleet, and leaving a few vesels at the mouth of the York, he proposed to sail and keep the sea, that, in case the enemy should attempt to force the passage, he might attack them in a less disadvantageous position. "I see," he wrote, "no resource but in the offing, and possibly that may not leave me free to return within the capes."

Such a movement would put to hazard the whole concerted operation. During his absence, the British fleet might enter, and Cornwallis be rescued. Washington instantly wrote, dissuading his departure in the most earnest terms. La Fayette was the bearer of this letter, and, it is related, was accompanied by Hamilton. De Grasse was induced to change his purpose, and made the necessary dispositions to command the York.

Cornwallis, in the mean time, seeing his danger, was considering modes of escape. One idea was to attack La Fayette in his vulnerable position before the reinforcements came up. Another was to abandon his post, and force a march to South Carolina. A third, to dislodge


Redoubt
No 1
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YORK
TOWN
Church
Hospital
Hospital
Battery
Battery
Battery

the French fleet lying in the mouth of the York. With this intent, a number of fire ships were fitted, and in a dark night descended the stream. The combustibles, too early lighted, gave the alarm to the French. A heavy cannonade was opened upon the fire ships. Their affrighted crews rowed to the shore.

On the twenty-eighth of September, the army began its march from Williamsburg, the route through a dense wood, and approached within two miles of Yorktown, the enemy making a show of opposition with their cavalry, who were compelled to retire. Here Washington and his suite passed the night, under the branches of a tree, waiting the approach of day.*

The small village of Yorktown, now in total decay, is on the south side of the noble river whence it derives its name, situate on a beautiful peninsula formed by the York and the James in their approach to the Chesapeake. Most of the houses formed "one street on the edge of a cliff which overlooks the river." † Gloucester, consisting of about a dozen dwellings, is on a point of land on the north and opposite side of the York. This point projects so far into the river, that the distance between their headlands is about a thousand yards.

On the west and northwest, Yorktown was protected by an inlet, a morass, and a deep ravine. Here it was approached by two roads from Williamsburg, one along the river, the other a short distance to the south, and nearly parallel. To command the former, a large work was constructed, close to the bank, with fraizing and abatis, called "the Fuziliers' redoubt." On the other road, near the junction of the two roads, on the skirt of the village, were erected a redoubt and a battery, which were occupied by two British regiments.

* Journal of Trumbull. † Tarleton's Campaign, p. 362.

Near the entrance of the great south road from Hampton, was built a strong projecting horn work, mounted with cannon, with a ditch, row of fraize and an abatis. From this horn work, proceeded on the right and on the left a series of defences.

On the right were redoubts and batteries fraized and with abatis, with a line of stockade in the rear which supported a high parapet of earth. These were occupied by the German troops. On the left of the horn work, were also redoubts, communications of earth and batteries, all which were fraized, but without stockade or abatis. Here were a brigade of light infantry and four British regiments.

On the high bank of the river, to the north, batteries were also placed to control the river pass, narrowed by vessels sunk in the channel, and commanded by a few ships of war, the Charon, Guadeloupe, and others. Two smaller redoubts with abatis were advanced before the left, less finished than those in front of the right,—one near the margin of the river, the other a short distance from it.

The ground in front of the left was in some parts level with the works, in others cut by ravines, but not of difficult approach. The centre was protected by a thin wood, whose front was cut down with the branches outwards.

As the left was the most accessible, there it was resolved to make the attack.

Within these field works, Cornwallis with his army of seven thousand men was encamped, except a detachment of a few hundred to hold the post at Gloucester. This post, previous to the advance of the main body of the combined army, was invested by a brigade of militia under Weedon, the French legion of Lauzun, and some French marines, all commanded by General de Choisy.

On the twenty-ninth of September, the American troops took their position in front of the enemy's works, extending from the left of Pigeon Quarter to Moor's Hill on Wormsly Creek, near the river. The French were stationed, the next day, to the left of the Americans. Rochambeau with the regiments Bourbonnais, Royal Deux Ponts, Soissonnais and Saintoigne in the centre. St. Simon, with the regiments Ajenois, Gatinois, and Touraine, to his left. A light scattering fusilade was first heard between the American riflemen and the Yagers.

Sir Henry Clinton had written Cornwallis, assuring him of reinforcements. He replied: "Your letter has given me the greatest satisfaction. I shall retire this night within the works, and have no doubt, if relief arrives in any reasonable time, York and Gloucester will be both in possession of his majesty's troops." *

On the morning of the thirtieth, the enemy having evacuated all their exterior works, the American light infantry took possession of them, supported by the French, and the town was completely invested on the south, two redoubts being raised about eleven hundred yards from the enemy's inner works. During the following days, the Americans were occupied, moving from the landing the stores, the heavy artillery which General Knox had gathered and brought on with his characteristic energy,† and erecting batteries.

On the night of the sixth of October, the line of circumvallation was begun, and the first parallel was opened within six hundred yards of the besieged, and, when com-

* Tarleton's Campaign, p. 421.

† "I could not conceive," Sir Henry Clinton observes, in his narrative, "that the enemy could possibly bring against him such a powerful battering train as would demolish his defences in so short a space of time as nine or ten days."

pleted, was about a thousand yards long. It extended from the high ground on the river—the extreme left of the enemy—to a ravine that approached the horn work. A random harmless fire was kept up during the darkness, but by morning the advance were completely covered and worked in security.

On the ninth, the American batteries opened their fire. A general order enjoined attention to its precision, the officers being directed to point the guns themselves. In addition to the general officers on command in the trenches, a field officer of artillery was each day detailed for that service, and another officer to take the direction of the park. Hamilton now moved in his corps and planted his standard on the top of the line. Colonel Lamb of New York was the officer of the day. The first gun was prepared and pointed, and Washington applied the match.*

On the ninth and tenth, six heavy batteries, three French and three American, poured a heavy fire upon the enemy, dismounted some of their guns, injured their embrasures, and compelled them to shelter their cannon behind the merlons. The enemy's fire was suspended, and they beheld the Charon, a forty-four gun frigate, fired by a hot shot from a French battery, on the extreme right of the enemy, burning to the water's edge, presenting in a serene night a beautiful and melancholy spectacle. A dispatch from Sir Henry Clinton, received at this time, communicated his doubts of early relief, and spoke of an attack upon Philadelphia as a diversion. This attack was projected by Arnold.

Cornwallis replied on the eleventh of October, foreseeing his doom: "Nothing but a direct move to York River, which includes a successful naval attack, can save

* Life of John Lamb, verbatim, p. 278.

me. The enemy made their first parallel on the night of the sixth, at the distance of six hundred yards, and have perfected it, and constructed places of arms and batteries with great regularity and caution.

"On the evening of the ninth their batteries opened, and have since continued firing without intermission, with about forty pieces of cannon, mostly heavy, and sixteen mortars from eight to sixteen inches. We have lost about seventy men, and many of our works are considerably damaged. With such works, on disadvantageous ground, against so powerful an attack, we cannot hope to make a very long resistance." *

In the morning of the eleventh the second parallel was opened by Steuben's division, and carried on within three hundred and sixty yards of the enemy's batteries during the night, while their shot and shells kept up a continual and dazzling blaze. The fire was returned until the embrasures on the left of the enemy's lines were closed. The next day, this parallel was completed. The lines which approached the redoubts on the left flank of Yorktown, consisted of a ditch four feet in depth and about fourteen wide, covered by a rampart of gabions, in height, towards the enemy, seven feet. The batteries were placed in the usual manner on platforms within the ditch, raised with palisades, the quarter nearest the enemy being covered by a large parapet in which were the embrasures for the cannon.†

The fire of the enemy being more serious, it became important to obtain possession of the two detached redoubts on their left, advanced about three hundred yards in front of their works, enfilading the line of the American intrenchments. The incessant fire poured upon them, it was believed, had rendered them practicable. An as-

* Tarleton's Campaign. † Robin.

sault was resolved. The work on the extreme left of the enemy was to be stormed by the American light infantry, comprising a part of La Fayette's division; that on their left, by a detachment of French grenadiers and chasseurs, commanded by De Viomenil.

Hamilton now saw the opportunity he had so long, so eagerly hoped, of signalizing himself by some act of distinguished prowess. He was on the point of losing it. The fourteenth of October was his tour of duty, but from a supposed precedence due to those of the light infantry who had made the Virginia campaign, Washington had determined to give the assault to Colonel Barber. The moment Hamilton was apprised of this, he left Major Fish, proceeded to the general's quarters, and remonstrated with him, claiming the right of making the attack, as the officer on duty. His appeal prevailed, and he returned in the highest spirits, exclaiming to Fish, "We have it, we have it." * The disposition was then made in two columns. The right composed of Gimat's troops and Hamilton's under Fish, the left under Laurens, (recently returned from Paris,) with a small body of picked men, who were directed to take the enemy in reverse. The redoubt on the left was to be gained by a body of grenadiers, under Count Deux Ponts and Colonel L'Estrade, supported by the regiment Gatinois, an arrangement intended to prevent jealousy, and to excite the emulation of the Americans and of their allies.

The concerted signals of attack were a shell from the American battery and a corresponding one from the French. To divert the attention of the enemy, a sham attack was made on their opposite quarter. As soon as

* Letter of Colonel, then Major Fish, second in command. Lee, in Southern War, ii. 342, states, Galvan, the aid of La Fayette, was the preferred officer. This is an error.

the shell of the Americans reached its zenith, that from the French battery ascended. Hamilton then gave the order to advance and push forward. Placing one foot on the shoulder of a soldier who knelt for that purpose,* he sprang over the abatis upon the parapet, stood on it a moment with three of his men, encouraged the others to follow, and jumped into the ditch. Fish followed. Gimat, receiving a wound from the first sentinel as they were unmasking, was obliged to retire. The American infantry, animated by the address and example of their leaders, pressed on with muskets unloaded and bayonets fixed. They soon reached the counterscarp, under a heavy and constant fire from the redoubt, which, from the celerity of their advance, overshot them, and surmounting every obstacle, leaped into the work. Hamilton, followed by the vanguard under Mansfield, was for a time lost sight of, and was supposed to have fallen. But soon reappearing, he formed his troops in the redoubt, and, on its surrender, gave the command to Fish. The impetuosity of the attack carried all before it, and within nine minutes from the time the abatis was passed, the work was taken. "Not a gun," says La Fayette, "was fired. The ardor of the troops did not give time for the sappers to derange the abatis, and owing to the conduct of the commander, and bravery of the men, the redoubt was stormed with uncommon rapidity." † "Few cases," Washington wrote, "have exhibited greater proofs of intrepidity, coolness, and firmness, than were shown on this occasion."

Colonel Barber's battalion, the first of the supporting

* Life of Lamb, p. 279.

† "Colonel Hamilton," La Fayette says, in his report, "whose well-known talents and gallantry were most conspicuous. Our obligations to him, to Colonel Gimat, and Colonel Laurens, and to each and all the officers and men, are beyond expression."

column, arrived at the moment the advance were getting over the works, and executed their orders with the utmost alacrity, the colonel being slightly wounded. The residue of the division, under Muhlenberg and Hazen, advanced with great firmness, and formed their columns under the fire of the enemy with perfect silence and order.

The gallantry of the storm was not less distinguished than the humanity of the victors. In the midst of the work, as soon as Hamilton saw the enemy driven back, he ordered his men to halt, and, excepting in the assault, not a man was injured. An incident occurred as soon as they entered the redoubt, to which Hamilton refers in his report. "Incapable of imitating examples of barbarity, and forgetting recent provocations, the soldiers spared every man who ceased to resist."

Colonel Scammel of the light infantry, while reconnoitring, a few days before, was surprised by a party of horse, and after he was taken was wantonly wounded, of which wound he died. When Colonel Campbell, who commanded the redoubt, advanced to surrender, a captain who had served under Scammel seized a bayonet, and drew back with the intent of plunging it into his breast, when Hamilton turned it aside,* and Campbell, exclaiming, "I place myself under your protection," was made prisoner by Laurens.†

* This statement is founded on a passage in Thatcher's Military Journal, who belonged to this brigade and was present—vol. i. p. 341: "I was desired to visit the wounded in the fort, even before the balls had ceased whistling about my ears, and saw a sergeant and eight men dead in the ditch. A captain of our infantry, belonging to New Hampshire, threatened to take the life of Major Campbell, to avenge the death of his favorite, Colonel Scammel; *but Colonel Hamilton interposed*, and not a man was killed after he ceased to resist." See also Lee's Southern War, ii. 343. It has been stated, on other authority, Fish was the officer who interposed.

† Dr. Gordon, whose statements are often erroneous, says, in speaking of this affair, "The light infantry of the Americans were commanded by Marquis

The redoubt on the right was also taken, but with less celerity, the French being engaged in removing the

La Fayette, and the service was allotted to a select corps. The Marquis said to General Washington, 'The troops should retaliate on the British for the cruelties they have practised.' The General answered, 'You have full command, and may order as you please.' The Marquis ordered the party to remember New London, and to retaliate by putting the men in the redoubt to the sword, after having carried it. * * * * * * Lieutenant Colonel Laurens personally took the commanding officer. The Colonel's humanity and that of the Americans so overcame their resentments that they spared the British. When bringing them off, as prisoners, they said among themselves, 'Why, how is this? We were ordered to put them to death.' Being asked by others why they had not done it, they answered, 'We could not, when they begged so hard upon their knees for their lives.'" To this shameful fabrication, the attention of Colonel Hamilton was drawn. It is thus refuted:

To the Editor of the Evening Post.

NEW YORK, *August* 10, 1802.

SIR,

Finding that a story, long since propagated, under circumstances which it was expected would soon consign it to oblivion (and by which I have been complimented at the expense of Generals Washington and La Fayette), has of late been revived, and has acquired a degree of importance by being repeated in different publications, as well in Europe as America, it becomes a duty to counteract its currency and influence by an explicit disavowal.

The story imports in substance, that General La Fayette, with the approbation or connivance of General Washington, ordered me, as the officer who was to command the attack on a British redoubt, in the course of the siege of York Town, to put to death all those of the enemy who should happen to be taken in the redoubt, and that through motives of humanity I forbore to execute the order.

Positively and unequivocally I declare, that no such nor similar order, nor any intimation nor hint resembling it, was ever by me received, or understood to have been given.

It is needless to enter into an explanation of some occurrences on the occasion alluded to, which may be conjectured to have given rise to the calumny. It is enough to say, that they were entirely disconnected with any act of either of the Generals who have been accused.

With esteem I am, sir, your most obedient servant,

A. HAMILTON.

batis, after the Americans were formed in the other work. This assault was led by the Count de Deux Ponts, the Count Charles de Dumas, and other officers of distinction, who behaved with the utmost gallantry.

The fate of the enemy was now decided. The second parallel was continued during the night, the two redoubts enveloped, and a line of communication was opened with the first before break of day. Cornwallis again wrote to Sir Henry Clinton:* "Last evening the enemy carried my two advanced redoubts on the left by storm, and during the night have included them in their second parallel, which they are at present busy in perfecting. My situation now becomes very critical; we dare not show a gun to their old batteries, and I expect that their new ones will open to-morrow morning. Experience has shown that our fresh earthen works do not resist their powerful artillery, so that we shall soon be exposed to an assault in ruined works, in a bad position, and with weakened numbers. The safety of the place is, therefore, so precarious, that I cannot recommend that the fleet and army should run great risk in endeavoring to save us."

As a last resort, to delay the opening of the batteries from this parallel, Cornwallis planned a sortie to be made before daybreak of the sixteenth. It was led by Lieutenant-colonel Abercrombie. Two batteries and the covering redoubts were captured. De Noailles moved forward. The British retreated. They were retaken, and the guns unspiked.

The gallant commander of the besieged army, who had placed his hopes on succor from New York, resolved, as the only remaining expedient, to make the desperate attempt of crossing to Gloucester, intending to escape, sword in hand, to the north. Boats were prepared, and

* Oct. 15.

every precaution was taken to avoid discovery. A part of the troops embarked, and crossed the river, when a violent storm arose. The boats were driven down the angered stream. The advanced party recrossed. The bold design was abandoned. All hope was at an end.

New batteries were now completed by the Americans; the whole works were mounted, and a heavy, irresistible cannonade ensued. "We could not," Cornwallis wrote, "fire a single gun."

On the morning of the seventeenth, while the light infantry were in the trenches, the chamade was beaten, a flag sent in, and propositions of surrender made. It is related by Colonel Fish, that when the sealed packet addressed to Washington, which was delivered to La Fayette, came in, the general was riding along the line. He had passed Hamilton, and as soon as he had read the despatch, sent for him, and asked his opinion as to the terms. After a short time, a suspension of hostilities for two hours was granted. The time was extended. Terms were settled, and on the nineteenth of October, the enemy capitulated. Laurens in the negotiation represented the American army, both as an honor due to his distinguished merits, and, as is said, to remind the British king, that he, whose father was a prisoner in the Tower,* held in his hands the fate of a commander of his army.

The terms were the same with those granted at Charleston to Lincoln, who was selected to receive the sword of the enemy. "The treatment in general," Cornwallis wrote, "that we have received from the enemy since our surrender, has been perfectly good and proper; but the kindness and attention that has been shown to us by the French officers in particular, their delicate sensibility of our situation, their generous and pressing offer

* Cornwallis, it is stated, was at this time Constable of the Tower.

of money both public and private, to any amount, has really gone beyond what I can possibly describe, and will, I hope, make an impression on the breast of every British officer, whenever the fortune of war shall put any of them into our power." "Great glory," says Tarleton, "necessarily proceeded from projects that were conceived with profound wisdom, combined together with singular propriety, and crowned with unvaried success."

Congratulations and applauses poured in from every quarter of the country, throughout which the cry resounded, "Cornwallis is taken. America is free." Philadelphia was illuminated. Public bodies vied with each other in an emulation of gratitude. A vote of thanks was rapturously passed by Congress. A marble column was ordered to be erected at Yorktown, in commemoration of the event. Special honors were conferred on both commanders.

"The play is over," the generous, virtuous La Fayette wrote to Maurepas, "and the fifth act has just been closed. I was in a somewhat awkward situation during the first acts, my heart experienced great delight at the final one, and I do not feel less pleasure in congratulating you, at this moment, upon the fortunate issue of the campaign."

The king of France, a nation that loves to reward merit, conferred upon the young soldier the well-deserved rank of field-marshal in the armies of France, to date from the signature of the capitulation at Yorktown.

The inhabitants of Charleston also acknowledged their obligations to De Grasse.*

While receiving warmest expressions of gratulatory regard from the allied armies, Hamilton thus modestly, in a letter written to soothe the anxiety of his wife, adverts

* Testimonial of General Moultrie, Pinckney, Gadsden and others, to his

to what had passed: "Two nights ago, my Eliza, my duty and my honor obliged me to take a step in which your happiness was too much risked. I commanded an attack upon one of the enemy's redoubts; we carried it in an instant, and with little loss. You will see the particulars in the Philadelphia papers. There will be, certainly, nothing more of this kind; all the rest will be by approach; and if there should be another occasion, it will not fall to my turn to execute it."

The American arms were not only successful in Virginia. Greene was exerting at the same time his masterly abilities at the south. "The enemy," Hamilton relates, "were divested of their acquisitions in South Carolina and Georgia, with a rapidity, which, if not ascertained, would scarcely be credible. In the short space of two months, all their posts in the interior of the country were reduced. The perseverance, courage, enterprise, and resource displayed by the American general in the course of these events, commanded the admiration even of his enemies. In vain was he defeated in one mode of obtaining his object: another was instantly substituted that answered the end. In vain was he repulsed from before a besieged fortress: he immediately found means of compelling its defenders to relinquish their stronghold. Where force failed, address and stratagem still won the prize. Having deprived the enemy of all their posts in the interior of the country, and having wasted their forces in a variety of ways, Greene now thought himself in a condition to aim a decisive blow at the mutilated remains of the British army, and at least to oblige them to take refuge within the lines of Charleston. With this view, he collected his forces into one body, and marched to give battle to the enemy, then stationed at the Springs of the Eutaw.

"A general action took place. Animated, obstinate and bloody. The front line of the American army, consisting of militia, after beginning a brisk attack, began to give way. At this critical and inauspicious juncture, Greene, with that collected intrepidity which never forsook him, gave orders to the second line, composed of continentals to advance to the charge with trailed arms. This order enforced by example, and executed with matchless composure and constancy, could not fail of success. The British veterans shrunk from the American bayonet. They were routed and pursued a considerable distance. Numbers of them fell into the hands of their pursuers, and the remainder were threatened with a similar fate; when, arriving at a position, which, with peculiar advantages, invited to a fresh stand, they rallied and renewed the action. In vain did" Colonel "Washington, at the head of the pursuing detachment, redouble the efforts of his valor to dislodge them from their new station. He was himself wounded and made a prisoner, and his followers, in their turn, compelled to retire.

"The gallant Campbell, at the head of the Virginia line, fell in this memorable conflict. Learning that his countrymen were victorious, he yielded up his last breath in the noble exclamation: 'Then do I die contented.'

"Though the enemy by this exertion of bravery saved themselves from total ruin, they had, nevertheless, received too severe a blow to attempt any longer to maintain a footing in the open country. The day following they retreated towards Charleston, leaving behind them their wounded, and a quantity of arms. Here ended all serious operations in the South."

CHAPTER XXIX.

Late in the autumn, Hamilton returned to Albany. Welcomed to the hospitable abode of General Schuyler, he resided there until the ensuing spring, mingling with the small society of a place, where reigned a simplicity of manners almost patriarchal. The intimacy formed with that distinguished man was now matured, and continued through their lives in relations of uninterrupted affection and confidence.

No definitive opinion could be formed as to the conclusion of a treaty with England. The measures of Congress, prompted by the zealous exhortations of Washington, indicated a determination to prosecute the war with vigor, which the proceedings of Parliament, at the beginning of the session, evinced no disposition to discontinue.

Hostilities at the south were virtually at an end. The advices received by Hamilton from La Fayette, who was in close conference with the American negotiators, and from De Noailles, of the temper of the continental powers, and the situation of the British army in the Northern States, gave little reason to expect an active campaign in this quarter.

The birth of a son imposed on him new obligations, and he began to prepare for the duties of private life.

He selected the profession of the law, deemed the

most honorable in this country, and in which had been formed the larger number of its more conspicuous characters.

His friends, on the first intimation of his purpose, unwilling to lose his services to the public, warmly urged him to defer his purpose. The idea of his being appointed a commissioner to conclude a peace, was suggested to him, and the slow advances of the legal profession, amid an inactive and impoverished community, were depicted, to deter him from making what was represented as a sacrifice. But his sense of personal independence was high. He declined generous offers of aid from Schuyler, and to the dark professional prospects presented, he replied with a modest but confident expression of his reliance on the certainties of perseverance. "Perseverando," "Perseverando," a motto on the revolutionary Emissions, was frequent on his lips. With this determination he proceeded to Philadelphia, and, although his sole resources were in himself, addressed on the first of March the following letters to the commander-in-chief:

"I need not observe to your excellency, that respect for the opinion of Congress will not permit me to be indifferent to the impressions they may receive of my conduct. On this principle, though I do not think the subject of the enclosed letter of sufficient importance to request an official communication of it, yet I should be happy it might in some way be known to the members of that honorable body. Should they hereafter learn, that though retained on the list of their officers, I am not in the execution of the duties of my station, I wish them to be sensible, that it is not a diminished zeal which induces me voluntarily to withdraw my services, but that I only refrain from intruding them, when circumstances seem to have made them either not necessary, or not desired; and

that I shall not receive emoluments, without performing the conditions to which they were annexed. I also wish them to be apprised, upon what footing my future continuance in the army is placed, that they may judge how far it is expedient to permit it. I therefore take the liberty to request the favor of your excellency to impart the knowledge of my situation, in such manner as you think most convenient."

In this private letter another was enclosed:

"Your excellency will, I am persuaded, readily admit the force of this sentiment, that though it is the duty of a good citizen to devote his services to the public, when it has occasion for them, he cannot with propriety, or delicacy to himself, obtrude them, when it either has, or appears to have, none.

"The difficulties I experienced last campaign in obtaining a command, will not suffer me to make any farther application on that head.

"As I have many reasons to consider my being employed hereafter in a precarious light, the bare possibility of rendering an equivalent, will not justify to my scruples, the receiving any future emoluments from my commission. I therefore renounce, from this time, all claim to the compensations attached to my military station during the war, or after it. But I have motives which will not permit me to resolve on a total resignation. I sincerely hope a prosperous train of affairs may continue to make it no inconvenience to decline the services of persons, whose zeal in worse times was found not altogether useless; but as the most promising appearances are often reversed by unforeseen disasters, and as unfortunate events may again make the same zeal of some value, I am unwilling to put it out of my power to renew my exertions in the common cause, in the line in which I have hitherto acted.

"I shall, accordingly, retain my rank, while I am permitted to do it; and take this opportunity to declare, that I shall be at all times ready to obey the call of the public, in any capacity, civil or military, (consistent with what I owe to myself,) in which there may be a prospect of my contributing to the final attainment of the object for which I embarked in the service."

While at Philadelphia, he received a letter relating to this subject, from his friend Meade, which he answered:

"An half hour since brought me the pleasure of your letter of December last. It went to Albany and came from thence to this place. I heartily felicitate you on the birth of your daughter. I can well conceive your happiness upon that occasion, by that which I feel on a similar one.

"Indeed, the sensations of a tender father of the child of a beloved mother, can only be conceived by those who have experienced them.

"Your heart, my Meade, is peculiarly formed for enjoyments of this kind. You have every right to be a happy husband, a happy father. You have every prospect of being so. I hope your felicity may never be interrupted.

"You cannot imagine how entirely domestic I am growing. I lose all taste for the pursuits of ambition. I sigh for nothing but the company of my wife and my baby. The ties of duty alone, or imagined duty, keep me from renouncing public life altogether. It is, however, probable, I may not be any longer actively engaged in it.

"I have explained to you the difficulties which I met with in obtaining a command last campaign. I thought it incompatible with the delicacy due to myself to make any application this campaign. I have expressed this senti-

ment in a letter to the general, and, retaining my rank only, have relinquished the emoluments of my commission, declaring myself, notwithstanding, ready at all times to obey the calls of the public. I do not expect to hear any of these, unless the state of our affairs should change for the worse, and lest, by any unforeseen accident that should happen, I choose to keep myself in a situation again to contribute my aid. This prevents a total resignation.

"You were right in supposing I neglected to prepare what I promised you at Philadelphia. The truth is, I was in such a hurry to get home, that I could think of nothing else. As I set out to-morrow morning for Albany, I cannot, from this place, send you the matter you wish.

"Imagine, my dear Meade, what pleasure it *must* give Eliza and myself to know that Mrs. Meade interests herself in us. Without a personal acquaintance, we have been long attached to her. My visit at Mr. Fitzhugh's confirmed my partiality. Betsey is so fond of your family, that she proposes to form a match between her boy and your girl, provided you will engage to make the latter as amiable as her mother.

"Truly, my dear Meade, I often regret that fortune has cast our residence at such a distance from each other. It would be a serious addition to my happiness if we lived where I could see you every day; but fate has determined it otherwise. I am a little hurried, and can only request, in addition, that you will present me most affectionately to Mrs. Meade, and believe me to be, with the warmest and most unalterable friendship,

"Yours,

"A. Hamilton."

Having completed his business at Philadelphia, he re-

turned to Albany; took a house in the vicinity of General Schuyler, to which he invited, as an inmate, Colonel Troup, who had previously studied the law, and with his aid commenced to prepare himself for the practice of it.

To this dull pursuit, he devoted himself with the most unremitting labor, and, at the ensuing July term of the Supreme Court, obtained a license to practise.

Such was the knowledge he acquired during this short period of four months, "that he composed a Manual on the Practice of the Law," which, Troup relates, "served as an instructive grammar to future students, and became the groundwork of subsequent enlarged practical treatises." *

An event occurred at this time by which Hamilton was deeply moved.

A captain in the American army, of the name of Huddy, in the command of a block-house in the lower part of New Jersey, was taken prisoner by a party of refugees, carried to New York, and closely confined in irons. Under the pretence that he was privy to the death of a man who, in fact, was killed by the guard while attempting to escape, this officer was taken out of that city, by these refugees, commanded by a Captain Lippincott, and deliberately hung on the heights of Middletown.†

The justly exasperated neighborhood prepared sworn statements of this cruel murder, which were submitted to Washington. He immediately convened a council of officers, who were unanimous in the opinion, that the leader of the party of refugees ought to be executed, and that, in case this could not be done, an officer of equal rank

* There are gentlemen, now living, who copied this manual as their guide, one of which is in existence.

† On his body a label was found—"Up goes Huddy for Philip White."—*Heath*, 335.

should be selected by lot from among the British prisoners not under convention or capitulation. Washington approved the decision of the council, and wrote to Sir Henry Clinton: "To save the innocent, I demand the guilty. Captain Lippincott, therefore, or the officer who commanded at the execution of Captain Huddy, must be given up; or, if that officer was of inferior rank to him, so many of the perpetrators as will, according to the tariff of exchange, be an equivalent. To do this will mark the justice of your excellency's character. In failure of it, I shall hold myself justifiable, in the face of God and man, for the measure to which I shall resort."

Having communicated to Congress the decision of the council, they passed a resolution, "assuring him of their firmest support in his fixed purpose of exemplary retaliation." Washington immediately ordered General Hazen "to designate by lot a British captain for the purpose of retaliation, who was an unconditional prisoner, if such a one was in his possession; if not, a lieutenant under the same circumstances from among other prisoners, and to send him to Philadelphia." He communicated this order to the British commander, expressing a hope that the result of the court-martial on Lippincott would "prevent this dreadful alternative." He also wrote to the Secretary at War: "Keenly wounded as my feelings will be, at the deplorable destiny of the unhappy victim, no gleam of hope can arise to him, but from the conduct of the enemy themselves, in whose power alone it rests to avert the impending vengeance from the innocent, by executing it on the guilty." Being advised there was no unconditional prisoner in his power, Washington sent an order to Hazen, to select one of the British captains, prisoners either under capitulation or convention, to be sent on as soon as possible. The British captains were assembled,

and at the drawing of lots, the unhappy lot fell on Captain Asgill of the guards, a youth of nineteen years, "a most amiable character, the only son of Sir Charles Asgill, heir to an extensive fortune and an honorable title." * In hope of avoiding this measure, Captain Ludlow, a friend of Asgill, was permitted to go into New York and confer with Sir Guy Carleton, then in command. "While my duty," Washington wrote, "calls me to make this decisive determination, humanity prompts a tear for the unfortunate offering, and inclines me to say, that I most devoutly wish his life may be saved. This happy event may be attained; but it must be effected by the British commander-in-chief."

This letter bears date the fourth of June. Three days after, Hamilton wrote to General Knox from Albany: "Dear General,—We are told here that there is a British officer coming on from Cornwallis's army, to be executed by way of retaliation for the murder of Captain Huddy. As this appears to me clearly to be an ill-timed proceeding, and if persisted in will be derogatory to the national character, I cannot forbear communicating to you my ideas upon the subject. A sacrifice of this sort is entirely repugnant to the genius of the age we live in, and is without example in modern history, nor can it fail to be considered in Europe as wanton and unnecessary. It appears that the enemy (from necessity, I grant, but the operation is the same,) have changed their system, and adopted a more humane one; and, therefore, the only justifying motive of retaliation, the preventing a repetition of cruelty, ceases. But if this were not the case, so solemn and deliberate a sacrifice of the innocent for the guilty must be condemned on the present received notions of humanity, and encourage an opinion that we are in a certain de-

* Extract of a feeling letter of General Hazen to Washington.

gree in a state of barbarism. Our affairs are now in a prosperous train, and so vigorous, I would rather say so violent a measure, would want the plea of necessity. It would argue meanness in us, that at this late stage of the war, in the midst of success, we should suddenly depart from that temper with which we have all along borne with as great, and more frequent provocations. The death of André could not have been dispensed with; but it must still be received at a distance as an act of *rigid justice*; if we wreak our resentment on an innocent person, it will be suspected that we are too fond of executions. I am persuaded it will have an influence peculiarly unfavorable to the general's character.

"If it is seriously believed that in this advanced stage of affairs retaliation is necessary, let another mode be chosen. Let under actors be employed, and let the authority by which it is done be wrapt in obscurity and doubt. Let us endeavor to make it fall upon those who have had a direct or indirect share in the guilt. Let not the commander-in-chief, considered as the first and most respectable character among us, come forward in person and be the avowed author of an act at which every humane feeling revolts. Let us at least have as much address as the enemy, and, if we must have victims, appoint some obscure agents to perform the ceremony, and bear the odium which must always attend even justice itself, when directed by extreme severity.

"For my own part, my dear sir, I think a business of this complexion entirely out of season. The time for it, if there ever was one, is past.

"But it is said, the commander-in-chief has pledged himself for it, and cannot recede. Inconsistency in this case would be better than consistency. But pretext may be found and will be readily admitted in favor of human-

ity. Carleton will, in all probability, do something like apology and concession. He will give assurances of preventing every thing of the kind in future. Let the general appear to be satisfied with these assurances. The steps Carleton is said to have taken to suppress the refugee incursions, will give the better color to lenity.

"I address myself to you upon this occasion, because I know your liberality and your influence with the general. If you are of my opinion, I am sure you will employ it, if it should not be too late. I would not think a letter necessary, but I know how apt men are to be actuated by the circumstances which immediately surround them, and to be led into an approbation of measures, which in another situation they would disapprove."

General Knox replied: "As this person, Captain Asgyll, is of considerable family, it was thought proper to let his importance have all the influence possible to obtain the delivery or execution of the guilty person in New York." "A conclusion may be fairly drawn from a late letter of Sir Guy Carleton that the court-martial have not found Lippincott guilty." From some conversations which I have had with the general on the subject, he appears to think, that it is impossible for him to recede from his first determination; but that he shall not put it into execution until every other method has been tried in vain. As soon as he receives the proceedings from General Carleton, he will probably repeat the demand he made to General Clinton, that the guilty be furnished to save the innocent. After this, possibly, something may turn up to procrastinate the thing still farther.

"My sentiments on frequent executions at this or any other period, are very similar to yours. I am persuaded that after reflections will convince dispassionate and enlightened minds, that executions have been too frequent

under color of the laws of the different States. Yet it will be difficult for the general, circumstanced as he is, with his own declarations, the representations of Congress on the subject, and the expectation of the people, to find reasons to justify him to the public for a total suppression of the matter. If it can be done consistently, he will be happy not to be obliged to have recourse to a measure, the execution of which must give him great pain."

A short time after, the result of the trial of Lippincott was announced by Carleton to Washington. He wrote to Congress: "As Sir Guy Carleton, notwithstanding the acquittal of Lippincott, reprobates the measure in unequivocal terms, and has given assurance of prosecuting the inquiry, it has changed the ground I was proceeding upon, and placed the matter upon an extremely delicate footing." He urged them to consider the matter in this new aspect, stating, "it is a great national concern, upon which an individual ought not to decide."

No decision being made by Congress, Washington wrote a private letter to Duane pressing earnestly to be relieved from his "cruel situation." Still no decision was given. Late in October, a letter was received by him from Vergennes in touching terms, expressing the wish of the king and queen of France, moved by a letter from Lady Asgyll, the mother of the young officer, for his liberation. "If it is in your power, sir, to consider and have regard to it, you will do what is agreeable to their majesties; the danger of young Asgyll, the tears, the despair of his mother, affect them sensibly; and they will see with pleasure the hope of consolation shine out for those unfortunate people.

"In seeking to deliver Mr. Asgyll from the fate which threatens him, I am far from engaging to secure another

victim; the pardon, to be perfectly satisfactory, must be entire."

This letter, Washington communicated to Congress; and, on the seventh of November, a resolution passed, directing Captain Asgyll to be set at liberty.

Madison, the next day, proposed instructions to Washington to call on the British commander "to make further inquisition into the murder of Captain Huddy, and to pursue it with all the effect which a due regard to justice will permit." Congress preferred milder counsels. They simply declared the power of a commander to demand adequate satisfaction for any act of cruelty or violence, committed by the enemy contrary to the laws or usage of war, and in case such satisfaction were not given, or delayed, refused or evaded, to cause suitable retaliation forthwith.

Thus ended this painful measure, unhappily begun, too long delayed.

In the preceding autumn, Congress had recommended to the several States to levy a separate tax to meet the continental requisitions, and had invested the Superintendent of Finance with the power of appointing an officer in each State to receive these taxes; an idea not improbably suggested by Hamilton's letter of September, 1780, intimating the importance of appointing in each State a "continental superintendent." While engaged in the prosecution of his legal studies, he received a letter from Robert Morris, of the second of May:

"Mr. Charles Stuart, late commissary-general of issues, has informed me that you are disposed to quit the military line, for the purpose of entering into civil life. He, at the same time, induced me to believe that you would accept the office of receiver of the continental taxes in the State of New York. The intention of this

letter is to offer you that appointment. The duties of the office will appear, in a great degree, from the publications made by me on this subject. In addition, it will be necessary that you correspond with me frequently, and give accurate accounts of whatever may be passing in your State, which it may be necessary for this office to be acquainted with. For the trouble of executing it, I shall allow a fourth per cent. on the moneys you receive. The amount of the quota called for from New York for the current year is, as you know, three hundred and seventy-three thousand five hundred and ninety-eight dollars.

"I make no professions of my confidence and esteem, because I hope none are necessary; but if they are, my wish that you would accept the offer I make, is the strongest evidence I can give of them."

Hamilton replied: "I had this day the honor of receiving your letter of the second instant, and am much obliged by the mark of your confidence which it contains, and to Colonel Stuart for his friendly intentions upon the occasion.

"My military situation has indeed become so negative, that I have no motives to continue in it, and if my services could be of importance to the public in any civil line, I should cheerfully obey its command. But the plan which I have marked out for myself is the profession of the law, and I am now engaged in a course of studies for that purpose. Time is so precious to me, that I could not put myself in the way of any interruptions, unless for an object of consequence to the public or to myself. The present is not of this nature. Such are the circumstances of this State, that the benefit arising from the office you propose, would not, during the war, yearly exceed one hundred pounds; for unfortunately, I am persuaded, it will not pay annually into the continental treasury forty

thousand pounds; and on a peace establishment this will not be, for some time to come, more than doubled. You will perceive, that an engagement of this kind does not correspond with my views, and does not afford a sufficient inducement to relinquish them.

"I am not the less sensible to the obliging motives which dictated the offer, and it will be an additional one to the respect and esteem with which I have the honor to be, sir," &c.

On the fourth of June, Morris wrote to him: "I am much obliged by the friendly sentiments you express for me, which, be assured, I shall retain a grateful sense of. I see with you, that the office I had the pleasure of offering, will not be equal to what your own abilities will gain in the profession of the law; but I did intend that the whole sum should have been paid, although the whole quota of the taxes had not been collected by the State; consequently, the object is greater than you supposed, and the business might probably be effected without more attention than you could spare from your studies. If so, I should still be happy in your acceptance, and will leave the matter open until I have an opportunity of hearing from you upon the subject."

Hamilton answered on the seventeenth of June: * * * * "The explanation which you give of your intention, in your late offer, makes it an object that will compensate fully for the time that it will deduct from my other occupations. In accepting it, I have only one scruple, arising from a doubt whether the service I can render in the present state of things, will be an equivalent for the compensation. The whole system, (if it may be so called,) of taxation in this State, is radically vicious, burthensome to the people, and unproductive to government. As the matter now stands, there seems to be little

for a continental receiver to do. The whole business appears to be thrown into the hands of the county treasurers; nor do I find that there is any appropriation made of any part of the taxes collected for continental purposes, or any provision to authorize payment to the officer you appoint. This, however, must be made. There is only one way in which I can imagine a prospect of being materially useful; that is, in seconding your applications to the State. In popular assemblies much may sometimes be brought about by personal discussions, by entering into details, and combating objections as they rise. If it should, at any time, be thought advisable by you to empower me to act in this capacity, I shall be happy to do every thing that depends upon me to effectuate your views. I flatter myself, to you, sir, I need not profess that I suggest this, not from a desire to augment the importance of office, but to advance the public interest.

"It is of primary moment to me, as soon as possible to take my station in the law, and on this consideration I am pressing to qualify myself for admission the next term, which will be the latter end of July. After this, should you think an interview necessary, I will wait upon you in Philadelphia. In the mean time, I shall be happy to receive your instructions, and shall direct my attention more particularly to acquiring whatever information may be useful to my future operations. I have read your publications at different times, but as I have not the papers containing them in my possession, it will be necessary that their contents should be comprised in your instructions. A meeting of the legislature is summoned early in the next month, at which, if I previously receive your orders, it may be possible to put matters in train. I am truly indebted to you, sir, for the disposition you have manifested upon this occasion, and I shall only add an assurance of my endeavors to justify your confidence."

On the second of July, Morris wrote, enclosing a warrant of appointment and instructions:—"It gives me singular pleasure, to find that you have yourself pointed out one of the principal objects of your appointment. You will find that it is specified in the enclosure. I must request you to exert your talents, in forwarding with your legislature the views of Congress. Your former situation in the army, the present situation of that very army, your connexions in the State, your perfect knowledge of men and measures, and the abilities with which heaven has blessed you, will give you a fine opportunity to forward the public service, by convincing the legislature of the necessity of copious supplies, and by convincing all who have claims on the justice of Congress, that those claims exist only by that hard necessity which arises from the negligence of the States. When to this you shall superadd the conviction, that what remains of the war being a war of finance, solid arrangements of finance must necessarily terminate favorably, not only to our hopes, but even to our wishes; then, sir, the governments will be disposed to lay, and the people to bear those burthens which are necessary; and then the utility of your office, and of the officer, will be as manifest to others as at present to me."

On the thirteenth, Hamilton replied: "I shall to-morrow morning commence a journey to Poughkeepsie, where the legislature are assembled, and I will endeavor, by every step in my power, to second your views, though I am sorry to add, without very sanguine expectations. I think it probable the legislature will do something, but whatever momentary effort they make, till the entire change of their present system, very little will be done. To effect this, mountains of prejudice and particular interest are to be levelled. For my own part, considering

the late serious misfortune to our ally,* the spirit of reformation, of wisdom, and of unanimity, which seems to have succeeded to that of blunder, perverseness, and dissension in the British government, and the universal reluctance of these States to do what is right, I cannot help viewing our situation as critical, and I feel it the duty of every citizen to exert his faculties to the utmost to support the measures, especially those solid arrangements of finance, on which our safety depends.

"It is not in the spirit of compliment, but of sincerity, I assure you, that the opinion I entertain of him who presides in the department, was not one of the smallest motives to my acceptance of the office, nor will that esteem and confidence which makes me now sensibly feel the obliging expressions of your letter, fail to have a great share in influencing my future exertions."

On his arrival at Poughkeepsie, Hamilton addressed a letter to Governor Clinton, apprising him of his appointment, and requesting the legislature to vest in him the necessary authority; stating that it was "a part of his duty, to explain to the legislature, from time to time, the views of the Superintendent of Finance, in pursuance of the orders of Congress, that they may be the better enabled to judge of the measures most proper to be adopted for an effectual co-operation, and asking his excellency to impart his request, to have the honor of a conference with a committee of the two houses."

Clinton announced his appointment to the legislature, and a conference was held.

This body had been convened in extra session at the express instance of a committee of Congress, to provide "for a vigorous prosecution of the war." The session

* The total defeat of the French fleet under De Grasse, on his way to Hispaniola, by Rodney.

was opened on the eleventh of July with a forcible message from the governor. He urged the importance of a revisal of the tax laws, called upon the legislature to denounce attempts of the British government to make separate treaties with the States, and pressed most strenuous exertions to expel the enemy from their territory. The answer, prepared by Schuyler, still the leader in the Senate, responded in the strongest terms.

The impressions made by Hamilton in his private letters, by the numbers of the CONTINENTALIST, and by his personal intercourse during his residence at Albany on the mind of New York, were seen in the language of its legislature late in the preceding year. Among its last acts, was a resolution, declaring "in behalf of the State their readiness to comply with any measures to render the UNION of these United States more intimate, and as far as the condition of the State would permit, to contribute their proportion of well established funds, to the end, that the representative body of the American Empire may draw forth and employ its resources with the utmost vigor."

This emphatic declaration had been preceded by the act granting to Congress a revenue from the customs. It was followed by an act authorizing a census, by another, declaring that no bank should be established within the State, in order to secure exclusive privileges to the Bank of North America, created by Congress, and by a third, for the levy of a tax chiefly for continental use.

But its great work is seen in an effort to establish an effective UNION of the States. This subject was brought before it on the nineteenth of July, three days afer Hamilton's arrival, on the motion of General Schuyler, that the Senate should resolve itself into a committee of the whole, "to take into consideration the state of the

NATION." The Senate at once resolved itself into committee, which was also immediately done by the House. They sat for the same purpose the next day, when the this country, except those declaring its independence, were reported.

They declared, "that the situation of these States is in a peculiar manner critical, and affords the strongest reason to apprehend, from a continuance of the present constitution of the continental government, a subdivision of the public credit, and consequences highly dangerous to the safety and independence of these States:"

"That the provisions made by the respective States for carrying on the war, are not only inadequate to the end, but must continue to be so, while there is an adherence to the principles which now direct the operation of public measures:" "That the present plan, instituted by Congress, for the administration of their Finances, is founded in wisdom and sound policy; and that after so many violent shocks sustained by the public credit, a failure in this system, for want of the support which the States are able to give, would be productive of evils too pernicious to be hazarded:"

"That the general state of European affairs calls upon us by every motive of honor, good faith, and patriotism, without delay, to unite in some system more effectual, for producing energy, harmony, and consistency of measures, than that which now exists, and more capable of putting the common cause out of the reach of contingencies." *

"That in the opinion of this legislature, the radical source of most of our embarrassments is, the want of sufficient power in Congress, to effectuate that ready and perfect co-operation of the different States, on which their immediate safety and future happiness depend:—that

* This and the preceding resolution are abridged from the original draft.

experience has demonstrated the confederation to be defective in several essential points, particularly in not vesting the FEDERAL Government either with a power of providing revenue for itself, or with ascertained and productive funds, secured by a SANCTION so solemn and general as would inspire the fullest confidence in them, and make them a substantial basis of credit:—that these defects ought to be without loss of time repaired, the powers of Congress extended, a solid security established for the payment of debts already incurred, and competent means provided for future credit, and for supplying the current demands of the war:

"That it appears evidently to this legislature, that the annual income of these States, admitting the best means were adopted for drawing out their resources, would fall far short of the annual expenditure, and that there would be a large deficiency to be supplied on the credit of the States, which, if it should be inconvenient for those powers to afford, on whose friendship we justly rely, must be sought from individuals, to engage whom to lend, satisfactory securities must be pledged for the punctual payment of interest, and the final redemption of the principal." Then came the crowning resolution:

Resolved, "That it appears to this legislature, that the foregoing important ends can never be attained by partial deliberations of the States separately; but that it is essential to the common welfare, that there should be as soon as possible a conference of the whole on this subject, and that it would be advisable for this purpose to propose to Congress to recommend, and to each State to adopt the measure of assembling a GENERAL CONVENTION OF THE STATES, specially authorized to revise and amend the CONFEDERATION, reserving a right to the respective LEGISLATURES to ratify their determinations."

These resolutions were immediately sent to the assembly, and were unanimously concurred in on Sunday, the twenty-first of July. The next day, the governor was requested to transmit them to Congress, and to the executive of each of the States.

They were from the pen of Hamilton, thus receiving a legislative sanction to the conception he had two years before presented to Duane.

The next day, at his instance, a joint committee of both Houses was appointed to report at the next session, "a system for establishing such funds within this State, as may be best calculated to answer the purpose of the State and of the United States, and for the more effectual collection of taxes within the State.

At the head of it was Schuyler, who, retiring from the canvass, Hamilton was, on the same day, elected a delegate to Congress.* Three days after, the legislature adjourned.

In a letter to Morris, of this date, Hamilton thus speaks of the result of his exertions: "Agreeable to my letter to you from Albany, I came to this place, and had an interview with a committee of the legislature, in which I urged the several matters contained in your instructions. I strongly represented the necessity of solid arrangements of finance, and by way of argument, pointed out all the defects of the present system. I found every man convinced that something was wrong, but few that were willing to recognize the mischief when defined, and consent to the proper remedy. The quantum of taxes already imposed is so great, as to make it useless to impose any others to a considerable amount; a bill has, however, passed both Houses, payable in specie, bank notes, or your notes, for eighteen thousand pounds.

* July 22.

"It is at present appropriated to your order, but I doubt whether some subsequent arrangement will not take place for a different appropriation. The commander-in-chief has applied for a quantity of forage, which the legislature is devising the means of furnishing, and I fear it will finish by diverting the eighteen thousand pounds to that purpose. I have, hitherto, been able to prevent this; but as it is of indispensable importance to me to leave this place immediately, to prepare for an examination, for which I have pledged myself the ensuing term, which is at hand, it is possible, after I have left it, contrary ideas will prevail. Efforts have been made to introduce a species of negotiable certificates, which I have strenuously opposed. It has not yet taken place, but I am not clear how the matter will terminate. Should the bill for the eighteen thousand pounds go out, in its present form, I cannot hope that it will produce in the treasury above half the sum,—such are the vices of our present mode of collection. A bill has also passed the assembly, for collecting arrearages of taxes, payable in specie, bank notes, your notes, old continental emissions at one hundred and twenty-eight for one, and a species of certificates issued by the State, for the purchase of horses. This is now before the Senate; the arrearages are very large.

"Both Houses have unanimously passed a set of resolutions, to be transmitted to Congress and the several States, proposing a Convention of the States, to enlarge the powers of Congress, and vest them with funds. I think this a very eligible step, though I doubt of the concurrence of the other States; but I am certain without it, they never will be brought to co-operate in any reasonable or effectual plan. Urge reforms or exertions, and the answer constantly is, what avails it for one State to make them, without the consent of the others? It is in

vain to expose the futility of this reasoning. It is founded on all those passions which have the strongest influence on the human mind.

"The legislature have also appointed, at my instance, a committee to devise, in its recess, a more effectual system of taxation, and to communicate with me on this subject. A good deal will depend on the success of this attempt. Convinced of the absurdity of multiplying taxes in the present mode, when in effect the payment is voluntary, and the money received exhausted in the collection, I have labored chiefly to instil the necessity of a change in the plan, and though not so rapidly as the exigency of public affairs requires, truth seems to be making some progress.

"There is no other appropriation to the use of Congress than of the eighteen thousand pounds.

"I shall, as soon as possible, give you a full and just view of the situation and temper of this State. This cannot be till after my intended examination; that over, I shall lay myself out in every way that can promote your views, and the public good. I am informed, you have an appointment to make of a commissioner of accounts for this State. Permit me to suggest the expediency of choosing a citizen of the State, a man who, to the qualifications requisite for the execution of the office, adds an influence in its affars. I need not particularize the reasons for this suggestion. In my next I will also take the liberty to mention some characters. I omitted mentioning, that the two Houses have also passed a bill, authorizing Congress to adjust the quotas of the States, on equitable principles, agreeable to your recommendation."

Hamilton had received a letter from his friend Laurens. He wrote complaining, "that the enemy's system was

perfectly defensive, and rendered the campaign insipid. Many of our sanguine citizens have flattered themselves with the idea of a prompt evacuation of Charleston. I wish the garrison would either withdraw or fight us. Adieu, my dear friend; while circumstances place so great a distance between us, I entreat you not to withdraw the *consolation* of your letters. You know the unalterable sentiments of your affectionate Laurens."

Hamilton replied on the fifteenth of August, in a letter which shows his teeming thoughts, an "UNION on solid foundations:"

"I received with great pleasure, my dear Laurens, the letter which you wrote me in last.

"Your wishes in one respect are gratified. This State has pretty unanimously delegated me to Congress. My time of service commences in November. It is not probable it will result in what you mention. I hope it is too late. We have great reason to flatter ourselves peace on our own terms is upon the carpet. The making it is in good hands. It is said, your father is exchanged for Cornwallis, and gone to Paris to meet the other commissioners, and that Granville on the part of England has made a second trip there, in the last instance, vested with plenipotentiary powers.

"I fear there may be obstacles, but I hope they may be surmounted.

"Peace made, my dear friend, a new scene opens. The object then will be to make our independence a blessing. To do this we must secure our UNION on solid foundations, an herculean task, and to effect which, mountains of prejudice must be levelled! It requires all the virtue and all the abilities of the country. Quit your sword, my friend, put on the *toga*. Come to Congress. We know each other's sentiments. Our views are the

same. We have fought side by side to make America free; let us hand in hand struggle to make her happy. Remember me to General Greene with all the warmth of a sincere attachment. Yours for ever."

Soon after the date of this letter, Laurens terminated his career. Hearing of the approach of a party of the enemy, he arose from his sick bed, placed himself at the head of his corps, and fell in a trifling skirmish on the banks of the Combahee.

Of all the youthful soldiers of the Revolution, there is not one upon whose story the recollections of his cotemporaries more fondly dwelt. His distinguished place in the affections of Washington, and the repeated public honors proffered to him by Congress, his numerous and varied services, his gallantry in battle, his exalted zeal and lofty spirit elevated him so much, that at his name every youthful aspiration of ambition kindled.

But Laurens was not alone a gallant soldier and distinguished patriot. To these merits, he added all the endearing and social affections, all the attractions of a noble nature, all the graces of a refined and cultivated intellect, and an address which possessed an irresistible, an endless charm.

Qualities which in other men might have offended by their contrast, in him only served to give richness of character and variety of interest. His intrepid spirit was coupled with a self-distrust, a confiding weakness of temper, which awakened in his friends surprise and love. To others his heart was all kindness and benevolence, he was unjust only to himself. While the world saw him graced with every virtue, he was still aspiring to some higher excellence—an ideal perfection, which is denied to our nature, and exists only in the warm conceptions of a mind deeply tinged with romance. Nothing can more fully

express this inward struggle for superior excellence than his letter to Hamilton, as to the commendation of Congress, and the latter's elegant rebuke, that "he refined on the refinements of sensibility."

In the intercourse of these martial youths, who have been styled "the KNIGHTS of the Revolution," there was a deep fondness of friendship, which approached the tenderness of feminine attachment. On the annunciation of his death, Hamilton wrote to La Fayette: "Poor Laurens! he has fallen a sacrifice to his ardor, in a trifling skirmish in South Carolina. You know how truly I loved him, and will judge how much I regret him."

After the adjournment of the New York legislature, and his admission to the bar, Hamilton devoted himself assiduously to the duties, which the urgent solicitations of the Superintendent of Finance earnestly pressed.

The pictures given in his letters of this period are of a most sombre cast. Double sets of officers, with conflicting powers and duties, clogging their respective operations; taxes beyond the ability of the people, to be collected in a medium reduced to the lowest point, and almost consumed in the process of collection; while a general system of connivance and fraud prevailed in many of the subordinate departments, furnishing the strongest inducements to check the inquiries, and prevent the adoption of the suggestions of an officer, whose office was an object of jealous repugnance.*

To overcome these difficulties was an arduous, invidious task; but he engaged in it with all his characteristic patience of investigation. Though the evils were too extensive, and laid too deep to be reached by any other

* From an entry in the diary of Mr. Morris, it appears that as late as the twenty-ninth of August, 1782, a committee of inquiry, appointed by Congress, questioned his reasons for appointing continental receivers.

means than a total change of system, yet he hoped, by scrutinizing the whole train of abuses, such data might be obtained as would enable the office of finance to apply efficient remedies, and gradually to infuse such opinions as would convince the State of its errors, and induce a radical change of policy.

During the interval of the appointment and meeting of the committee, he was engaged in extensive correspondences throughout the State; in circulars to the county treasurers, to ascertain the receipts and expenses of collection; in communications with the army contractors, to learn the amount of expenditures and the quantity of specie, and to promote the circulation and increase the value of the notes of the financier and of the bank; and in devising means to defer and lighten the demands on the general treasury.

While thus employed in fulfilling the calls of the financier, he used the estimate he obtained, (the incompleteness whereof he laments,) as a basis for digesting a new plan of State taxation, which he proposed to submit to the legislature.

The rule adopted in the confederation, after much angry discussion, fixing the quota of each State, had proved a source of great delay and controversy. The valuation of land which it prescribed, was found impracticable, and Congress had been compelled to adhere to the original system of requisitions, on the basis of the population, as computed in seventeen hundred and seventy-five. Each State took advantage of the inaccuracy of this enumeration, and found a ready excuse for the deficiency of its supplies in the incorrectness of the estimate.

To avoid this difficulty, and at the same time to extend the system of taxation as far as was possible, in

order to meet the demands of the public, Hamilton framed an elaborate bill, in which, agreeably to a resolution of Congress of the preceding February, and to the report of the financier, he proposed to abolish the method which existed, of taxing by arbitrary quotas and assessments,—a source of the greatest injustice and inequality,—and substituting for it a system of specific taxation on lands, distinguished by their character, as meadow or arable: on salt by the bushel; on tobacco by the pound; on carriages; plate; on licences of various kinds; on menial servants; on houses; and a rate of specific duties on imports.

The bill embraces a very minute and systematic scheme to render the assessment and collection easy and secure; and with a view to prevent the confusion and neglect which had resulted from the proceeds of the taxes being thrown into a general mass, he suggested the appropriation of them to various objects; that upon land, to the support of the internal government; on carriages, to the judicial establishment; the house-tax to Congress, for supplementary funds; the salt, license, and tobacco tax, for constituting a loan office, which seems to have been connected with the incorporation of a bank, of which a portion of the income was to be secured to that office. The surplus of these taxes, and all others, to form an aggregate fund for contingencies, to supply the Federal treasury. A plan of a lottery was also at this time devised by him, containing many ingenious suggestions, and evincing singular care to prevent frauds, from which a considerable sum was hoped to be derived in aid of the finances;—a mode of taxation proposed by a committee of Congress in seventeen hundred and eighty; but which the enlightened sentiment of the present age has ceased to approve.

Having obtained a license as an attorney in July, he, notwithstanding his public duties, continued to prosecute his legal studies, in order to prepare for admission to the bar as a counsellor, at the ensuing October term of the Supreme Court. A letter to his friend Meade, of the twenty-seventh of August, shows his views on this subject, and gives a pleasing exhibition of his domestic feelings:—

"I thank you, my dear Meade, for your letter of the first of this month, which you will perceive has travelled much faster than has been usual with our letters. Our correspondence hitherto has been unfortunate, nor in fact can either of us compliment himself on his punctuality; but you were right in concluding, that however indolence or accident may interrupt our intercourse, nothing will interrupt our friendship. Mine for you is built on the solid basis of a full conviction that you deserve it, and that it is reciprocal, and it is the more firmly fixed, because you have few competitors. Experience is a continual comment on the worthlessness of the human race, and the few exceptions we find, have the greater right to be valued in proportion as they are rare. I know few men estimable,—fewer amiable, and when I meet with one of the last description, it is not in my power to withhold my affection.

"You reproach me with not having said enough about our little stranger. When I wrote last, I was not sufficiently acquainted with him to give you his character. I may now assure you, that your daughter, when she sees him, will not consult you about the choice, or will only do it in respect to the rules of decorum. He is truly a very fine young gentleman, the most agreeable in his conversation and manners of any I ever knew, nor less remarkable for his intelligence and sweetness of temper.

You are not to imagine, by my beginning with his mental qualifications, that he is defective in personal. It is agreed, on all hands, that he is handsome; his features are good, his eye is not only sprightly and expressive, but it is full of benignity. His attitude, in sitting, is, by connoisseurs, esteemed graceful, and he has a method of waving his hand that announces the future orator. He stands, however, rather awkwardly, and as his legs have not all the delicate slimness of his father's, it is feared he may never excel as much in dancing, which is probably the only accomplishment in which he will not be a model. If he has any fault in manners, he laughs too much. He has now passed his seventh month.

"I am glad to find your prospect of being settled approaches. I am sure you will realize all the happiness you promise yourself with your amiable partner. I wish fortune had not cast our lots at such a distance. Mrs. Meade, you, Betsey, and myself, would make a most affectionate and most happy *partie quarré*.

"As to myself, I shall sit down in New York, when it opens, and the period we are told approaches. No man looks forward to a peace with more pleasure than I do, though no man would sacrifice less to it than myself, if I were not convinced the people sigh for peace. I have been studying the law for some months, and have lately been licensed as an attorney. I wish to prepare myself by October for examination as a counsellor, but some public avocations may possibly prevent me.

"I had almost forgotten to tell you, that I have been pretty unanimously elected by the legislature of this State, a member of Congress, to begin to serve in November. I do not hope to reform the State, although I shall endeavor to do all the good I can.

"Suffer Betsey and me to present our love to Mrs.

Meade. She has a sisterly affection for you. My respects, if you please, to Mr. and Mrs. Fitzhugh. God bless you."

The committee of the legislature, of which he speaks to Morris, met on the fifteenth of September, and notwithstanding his labor in devising a system of taxation, such were his doubts of the tone of the public, that in a letter written to him the evening prior to their meeting, he says, "I am at a loss to know whether I ought to press the establishment of permanent funds or not, though unless I receive your instructions, following my own apprehensions of what are probably your views, I shall dwell upon this article."

On the fifth of October, he wrote: "In my last I informed you that the committee appointed by the legislature on the subject of taxation were together.

"In spite of my efforts, they have parted without doing any thing decisive. They have, indeed, agreed on several matters, and those of importance, but they have not reduced them to the form of a report, which, in fact, leaves every thing afloat, to be governed by the impressions of the moment, when the legislature meet.

"The points agreed upon are these: that there shall be an actual valuation of land, and a tax of so much on the pound. The great diversity in the quality of land, would not suffer them to listen to an estimated valuation, or to a tax by the quantity, agreeable to the idea in your late report to Congress, that there shall be also a tariff of all personal property, to be also taxed at so much on the pound.

"That there shall be a specific tax on carriages, clocks, watches, and other similar articles of luxury: That money at usury shall be taxed at a fixed rate in the pound, excluding that which is loaned to the public: That

houses in all towns shall be taxed at a certain proportion of the annual rent: That there shall be a poll tax on all single men from fifteen upwards; and that the collection of the taxes should be advertised to the lowest bidder, at a fixed rate per cent., barring all subordinate expenses.

"Among other things which were rejected, I pressed hard for an excise on distilled liquors, but all that could be carried in this article was a license on taverns.

"The committee were pretty generally of opinion, that the system of funding, for payment of old debts, and for procuring farther credit was wise and indispensable; but a majority thought it would be unwise in one State to contribute in this way alone.

"Nothing was decided on the question of taxes, which the State was able to pay; those who went farthest did not exceed seventy thousand pounds, of which fifty were for the use of the United States."

An interesting correspondence continued between Morris and Hamilton, in which the various measures for propping up the credit of the financier, and introducing his notes into extensive circulation, as a common currency, are discussed. In one of these, Hamilton speaks of an address of the public creditors in Albany to those of the whole United States, as having originated with himself, and containing ideas which ought to prevail.

The suspension of interest on the loan office certificates issued at an early stage of the Revolution, had produced great distress and discontent among the holders, the greater number of whom resided in Philadelphia. After frequent consultation, a numerous meeting was convened in that city, and strong resolutions adopted, urging upon Congress the necessity of granting them immediate relief. On the appearance of this document, Hamilton conceived the idea that a powerful influence might be ex-

ercised upon the measures of Congress by the co-operation of the creditors in other States, and with this view a meeting was held at Albany, where General Schuyler presided, at which was proposed a convention of county delegates at Poughkeepsie, and a State delegation to a general convention at Philadelphia, from which he hoped incipient steps might be taken for the adoption of his favorite measure,—a reorganization of the General government. These resolutions were accompanied by the following address, urging the establishment of permanent funds.

"TO THE PUBLIC CREDITORS OF THE STATE OF NEW YORK.

"The appellation by which we have chosen to address you, indicates at once the broad and equitable basis upon which we wish to unite the influence and efforts of those who are creditors of the public, to obtain that justice, which the necessities of many, and the rights of all demand. Whatever distinctions may characterize the different classes of creditors, either of the United States, or of this State,—whatever may be their different degrees of merit as patriots, or their comparative claims upon the gratitude or generosity of their country, in one circumstance they all agree,—they have an equal claim upon the justice and plighted faith of the public.

"Alarmed by the successive violations of public engagements, and by that recent and distressing one, the withholding the interest hitherto paid by bills on France, upon the monies loaned previous to first March, 1778, the public creditors in this city have thought it necessary to follow the example of those of the city of Philadelphia, and to convene and consult upon the measures proper to be taken for their own security. They will not dwell

upon the measure alluded to, farther than to observe, that its weight is most oppressively felt by those whose zeal in the cause and confidence in their country have been most conspicuous; who in times of danger, have demonstrated their concern for the common safety, by voluntary deposits, in some instances of the whole, in others of a large part of their fortunes in the public funds; and who now, many of them at least, feel themselves reduced from affluence to indigence,—from circumstances of ease and plenty, to penury and unaffected distress.

"They cannot but add, that there are others, not less meritorious, who have perhaps experienced even a worse fate; those who, having made subsequent loans, have long since seen the payment of interest cease, and those who, when the distresses of the army have had no resource but in the patriotism of individuals, have cheerfully parted with the fruits of their industry, scarcely reserving a sufficiency for the subsistence of their own families, without any compensation since, besides the consciousness of having been the benefactors of their country.

"We entertain not so injurious an idea as to imagine that levity or contempt of the obligations of national faith, or of the dictates of policy, have influenced those infringements of the public engagements, which have too often happened. We have been sensible of the necessity which has, in some cases, produced them; but we apprehend it to have resulted, not from the want of ability or means, but from the want of a proper system for the beneficial application of them. And we conceive it our duty to acquiesce in that necessity, only so far as there appears to be an unavoidable sacrifice to the urgent calls of particular conjunctures, followed by effectual endeavors to prevent a continuance or return of the same necessity, or to make satisfaction in some other way.

"Few States have been without their vicissitudes, in which the strict obligations of good faith have been obliged to bend to momentary necessities; but the example of all wise and happy ones, combine with reason and justice to establish this truth, that no time ought to be lost in providing the means of repairing those breaches, and making compensation for the sufferers.

"Unfortunately for us, and for every citizen of the United States, (for the calamity directly or in its consequences is general,) the same policy has been too long delayed in this country; the only expedient in our power for effecting the object, being still unattempted. We need no arguments to convince us, that it is not possible for these States, by any exertions they can make, to pay off at once the principal of the public debts, and furnish the supplies for the current demands of the war, and for the support of civil government. We even think it as manifest as experience and calculation can make it, that our abilities fall greatly short even of the two latter objects. This, in an infant country, will not surprise those who know that nations the most opulent, and in all the vigor of maturity, are compelled to have recourse to large loans in time of war, to satisfy the public exigencies.

"The quota of the present year has been fixed at eight millions of dollars, which we are to consider as the sum requisite for the annual expenditure; and those accustomed to computations of such a nature, will be convinced that to make this sum suffice, requires economy and good management. Have we a prospect of raising one third of this sum within the States? Those who have attended to the publications of the receipts on the continental account, will easily answer the question for themselves. If this must be in the negative, the inquiry then becomes, what means have we to supply the deficiency?

"Admit that there are defects in the system of taxation in almost every State, and that more judgment and equality in the manner of laying them, more energy and economy in the collection, would be more productive to the revenue, and less burthensome to the people, still we cannot imagine that the reformation of these defects would augment the product of the taxes in any proportion to the deficiency.

"It is plain, therefore, that the principal part of the balance, must be procured upon credit; nor is it less plain, that this must chiefly be from *individuals* at home and abroad. We are assured, that the situation of our allies, will not permit them to make us governmental loans, in any proportion to our wants, and without this assurance, we might have inferred it, from a consideration of the immense land and naval establishments which they are obliged to support in the prosecution of the war, on their own part.

"It may be asked, if such are the necessities of the public, how are they to spare any part of their funds for the payment of old debts? The answer is easy,—those necessities can only be supplied by a sound and healthy state of public credit, and there is only one way to effect the restoration of this credit,—the putting the old debts in a course of redemption, or at least securing the punctual payment of the interest, by substantial funds, permanently pledged for that purpose.

"It cannot be expected, that individuals in this country will hereafter lend to the public, unless they perceive a disposition to do justice to its creditors. If, without providing for those who have already risked their fortunes, securities should be held out to invite future creditors, a suspicion of their faithful application would deter every prudent man. There must be a good opinion of

public faith, before there can be a confidence in public securities; and this opinion can only be created by unequivocal demonstrations of a disposition to do justice; nor will any thing amount to a proof of this, short of the measure on which we insist. In common life, no credit would be given to any man who departed from these principles, and the same rule is not less applicable to nations.

"If individuals among ourselves would not have the necessary confidence, it were chimerical to expect it from foreigners. Such of them as, having been already adventurers in our funds, are holders of public certificates, would have little encouragement to adventure farther.

"No presumptions of the speedy termination of the war, will invalidate the force of these reflections. Not only the grounds of them are vague and uncertain, and it would be the extremity of folly to abandon an indispensable resource for continuing the war, because there was a possibility of its being ended; but the fullest assurance of the event, would not take away this irresistible argument, that public justice, and its inseparable companion, public credit, are alike essential to the prosperity of a nation in peace and war.

"We scruple not to assert, that these States might, with ease to themselves, provide the means requisite to fund the debts already incurred, and to procure farther loans. A moderate sum would be sufficient. It is an expedient which we conceive besides calculated to lighten the burthens of the people, and to increase their ability to bear them. The more we can procure on credit, the less we need exhaust ourselves in immediate taxation; and the public creditors themselves will be enabled to bear a large share of the future burthen, which will, of course, diminish the contributions of others. We might expatiate on

the influence of public credit over private industry, and on its tendency in that way to multiply the riches of the community, and we might add, that the wheels of circulation and commerce, now clogged by the want of an adequate medium, would derive new motion and vivacity from the increase of that medium, by rendering the public securities a valuable negotiable property. We have indulged in these reflections to show that patriotism, not less than necessity, interest, and safety, prompt us to an emphatical appeal to the justice and honor of our country.

"What will be the condition of individuals, if a disregard to the sanctity of public obligations should become the spirit of the public councils? We indeed should be the immediate victims, but who can answer when his turn might come? It is true, those who are not already embarked, may avoid hereafter becoming volunteers in their own ruin, but can they guard against the pressing calls of necessity, enforced by legislative coercions? Should we see a renewal of the distresses of the army, for want of subsistence, must not the inhabitants of this State again feel the weight of compulsory laws, and unless justice be done to the present creditors, what hope can they have of recompense? What, in short, will be the security of private property, if the powers of government may be employed to take it from us, and no provision hereafter made to render satisfaction?

"A purity of faith has ever been the more peculiar attribute of republics, the very being of which depends on virtue in all, and a sacred regard to justice in those to whom the administration of affairs is entrusted. A contrary disposition in these States, would be as novel as pernicious; and we flatter ourselves, we never shall suffer such a stigma to be fixed upon our national character, especially on our first emerging into political existence."

The propriety of introducing at large such a document, may, perhaps, be questioned; but, when it is remembered that the fate of the American Union depended on the fulfilment of its engagements; with what difficulty its discordant members were induced to co-operate; and when we view Hamilton as the chief instrument in producing this result; a knowledge of every circumstance which can throw light on the state of public opinion; of every obstacle which was encountered; and of every effort which was made; becomes essential in enabling us to judge of the nature and extent of his services.

There is another view, which has a deep and touching interest. Amidst the glare of war, the civil sufferers of the revolution have been little regarded; and the individuals who nerved the arm of the country with their wealth; who parted with the fruits of their industry; who were reduced from affluence to indigence; who had none of the quickening incentives of ambition to sustain them; whose intelligence disclosed to them all the hazards they incurred; and who leaned solely on an elevated and self-denying patriotism, were often remembered only to be stigmatized. They are brought before us here in person with all their unrequited wrongs; standing before the altar of public faith; claiming the fulfilment of its pledges for the sacrifices they had made; in the midst of them is seen Hamilton, pleading in their behalf for that justice which, though long delayed, it was reserved to his hand to administer.

Of the letters addressed by him at this time to the Superintendent of Finance, one recently obtained is extremely interesting from the graphic view it gives of the situation and temper of the State, its resources and embarrassments, the characters of its public men, the tone of the public mind.

From this letter alone may be seen how early ripened were Hamilton's financial opinions; a partial judgment also may be formed by analogy of the extraordinary difficulties, labors and capacity of Robert Morris, whose luminous views of the interests of the country, are only less remarkable than the energy, firmness, and resource, with which he seemed to have borne on his shoulders its tottering fortunes.

CHAPTER XXX.

How most to advance those fortunes, and to place them on a solid basis, now engrossed Hamilton's thoughts. With the same satisfaction that is seen in the annunciation to his late companions in Washington's staff, of his election to Congress, he wrote to Gen. Greene, on the 12th of October, from Albany:—

"It is an age since I have either written to you, or received a line from you; yet I persuade myself you have not been the less convinced of my affectionate attachment, and warm participation in all those events which have given you that place in your country's esteem and approbation which I have known you to deserve, while your enemies and rivals were most active in sullying your reputation.

"You will perhaps learn, before this reaches you, that I have been appointed a member of Congress. I expect to go to Philadelphia in the ensuing month, where I shall be happy to correspond with you with our ancient confidence; and I shall entreat you not to confine your observations to military subjects, but to take in the whole scope of national concerns. I am sure your ideas will be useful to me and to the public.

"I feel the deepest affliction at the news we have just received of the loss of our dear and estimable friend

Laurens. His career of virtue is at an end. How strangely are human affairs conducted, that so many excellent qualities could not survive a more happy fate! The world will feel the loss of a man who has left few like him behind, and America of a citizen whose heart realized that patriotism of which others only talk. I shall feel the loss of a friend I truly and most tenderly loved, and one of a very small number." Having in view an interest in some property in the West Indies, which he inherited from his mother, he adds,—"I take the liberty to enclose you a letter to Mr. Kane, executor to the estate of Mr. Lavine, a half-brother of mine who died some time since in South Carolina. Captain Roberts, if you should not be acquainted with him, can inform you where he is. I shall be much obliged to you to have my letter carefully forwarded." His expectations from this source were disappointed. "I am sorry to inform you," Dr. Knox wrote him, "that no justice seems to be done in the dealing of Mr. Litton, and that as things are situated and perplexed, I fear little will come out of it for any of the heirs." *

A short time after, Hamilton informed the Superintendent of Finance, that he had received a small sum, part of a loan he had negotiated at Albany, and on the last day of October he resigned the office of Continental Receiver

His partial success, while in this office, in drawing forth the public resources, had convinced him that little aid was to be derived from domestic supplies. Yet how small these had been, is scarcely credible.

The total demand made by Congress upon the States, from the beginning of the war to the 1st of March, eighty, was little more than five millions of dollars; and this demand had not been complied with.†

* Oct. 27, 1783. † Diplomatic Correspondence, xi. 447.

It was obvious that additional aid from France was the only resource. This resource was doubtful. The capture of Cornwallis had induced her late in the preceding year to grant a new loan with a view to the recovery of New York and Charleston. But the determination not to furnish larger aids was peremptorily announced.

Hamilton believed that the same motives which had governed her court, would still have influence.

The Viscount de Noailles had written to him:— "Though I was not born in a free country, my dear Colonel, I shall see with pleasure the foundations you are about to establish for the happiness and tranquillity of a people with whom all the nations of Europe have the same rights. Once this epoch arrived, humanity will cast her eyes with pleasure upon another world, and will behold without envy a people which only owes its happiness to its own courage."

Hamilton replied, "I was chagrined to find, that you left us with an intention not to return. Though I should be happy if, by a removal of the war, this country should cease to be a proper theatre for your exertions, yet if it continues to be so, I hope you will find sufficient motives to change your resolution. Wherever you are, you will be useful and distinguished; but the ardent desire I have of meeting you again, makes me wish America may be your destination. I would willingly do it in France, as you invite me to do; but the prospect of this is remote. I must make a more solid establishment here before I can conveniently go abroad. There is no country I have a greater curiosity to see, or which I am persuaded would be so interesting to me, as yours. I should be happy to renew and improve the valuable acquaintances from thence which this war has given me an opportunity of

making; and though I would not flatter myself with deriving any advantage from it, I am persuaded it is there I should meet with the greatest number of those you describe, who, &c.: but considerations of primary importance will oblige me to submit to the mortification of deferring my visit.

"In the mean time, I should be too much the gainer by a communication with you, not gladly to embrace the offer you so politely make for writing to each other.

"The period since you left us has been too barren of events to enable me to impart any thing worth attention. The enemy continues in possession of Charleston and Savannah, and leaves us master of the rest of the country. It is said the assemblies of the two invaded States are about meeting to restore the administration of government. This will be a step to strengthening the hands of Gen. Greene, and counteracting the future intrigues of the enemy. Many are sanguine in believing that all the southern posts will be evacuated, and that a fleet of transports is actually gone to bring the garrisons away; for my part, I have doubts upon the subject. My politics are, that while the present ministry can maintain their seats and procure supplies, they will prosecute the war on the mere chance of events; and that while this is the plan, they will not evacuate posts so essential as points of departure, from whence, on any favorable turn of affairs, to renew their attack on our most vulnerable side; nor would they relinquish objects that would be so useful to them, should the worst happen in a final negotiation. Clinton, it is said, is cutting a canal across New York island, through the low ground about a mile and a half from the city. This will be an additional obstacle; but if we have otherwise the necessary means to operate, it will not be an insurmountable one. I do not hear that he

is constructing any other new works of consequence. To you who are so thoroughly acquainted with the military posture of things in this country, I need not say that the activity of the next campaign must absolutely depend on effectual succors from France. I am convinced we shall have a powerful advocate in you. La Fayette, we know, will bring the whole house with him if he can.

"There has been no material change in our internal situation since you left us. The capital successes we have had, have served rather to increase the hopes than the exertions of the particular States. But in one respect we are in a mending way. Our financier has hitherto conducted himself with great ability, has acquired an entire personal confidence, revived in some measure the public credit, and is conciliating fast the support of the moneyed men.

"His operations have hitherto hinged chiefly on the seasonable aids from your country; but he is urging the establishment of permanent funds among ourselves; and though, from the nature and temper of our governments, his applications will meet with a dilatory compliance, it is to be hoped they will by degrees succeed. The institution of a bank has been very serviceable to him. The commercial interest, finding great advantages in it, and anticipating much greater, is disposed to promote the plan; and nothing but moderate funds, permanently pledged for the security of lenders, is wanting to make it an engine of the most extensive and solid utility.

"By the last advices, there is reason to believe the delinquent States will shortly comply with the requisition of Congress for a duty on our imports. This will be a great resource to Mr. Morris, but it will not alone be sufficient.

"Upon the whole, however, if the war continues an-

other year, it will be necessary that Congress should again recur to the generosity of France for pecuniary assistance. The plans of the financier cannot be so matured as to enable us by any possibility to dispense with this; and if he should fail for want of support, we must replunge into that confusion and distress which had like to have proved fatal to us, and out of which we are slowly emerging. The cure in a relapse would be infinitely more difficult than ever.

"I have given you an uninteresting but a faithful sketch of our situation. You may expect from time to time to receive from me the progress of our affairs, and I know you will overpay me."

La Fayette, who married a sister of De Noailles, had recently returned to France. Hamilton wrote his friend: "I have been employed for the last ten months in rocking the cradle and studying the art of fleecing my neighbors. I am now a grave counsellor at law, and shall soon be a grave member of Congress. I am going to throw away a few months more in public life, and then I retire a simple citizen and good pater familias. You see the disposition I am in. You are condemned to run the race of ambition all your life; I am already tired of the career, and dare to leave it. You tell me they are employed in building a peace, and other accounts say it is nearly finished. It is necessary for America, especially if your army is taken from us. That was an essential *point d'appui.* The money was the primum mobile of our finances, which must now lose the little activity lately given them. Our trade is prodigiously cramped. These States are in no humor for continuing exertions. If the war lasts, it must be carried on by external succors. I make no apology for the inertness of the coun-

try. I detest it; but since it exists, I am sorry to see other resources diminish."

La Fayette had written to him in cipher:—"However silent you may please to be, I will nevertheless remind you of a friend who loves you tenderly, and who, by his attachment, deserves a great share in your affection. I would like you to be minister to the French court. If you are member of Congress, and if something is said to you there, I wish you may be employed in the answer." This wish was repeated. "You have a good chance, and I believe you have time to be one of the commissioners. Jefferson does not come."

"There is no probability," Hamilton answered, "that I shall be one of the Commissioners of Peace. It is a thing I do not desire myself, and which I imagine other people will not desire. Our army is now in excellent order, but small. The temper we are in respecting the alliance, you will see from public acts. There never was a time of greater unanimity on that point.—Is there any thing you wish on this side the water? You know the warmth and sincerity of my attachment. Command me."

The friendships formed between gallant men in arms are among the beautiful compensations of war. Though widely different in character, La Fayette appreciated Hamilton, and Hamilton ever felt the debt of gratitude due to La Fayette by the people of America.

Truly was to be deplored the inertness of this country. The conviction that the public had committed a great act of injustice by the resolution of March, 1780, arbitrarily reducing the value of the national engagements, had nearly destroyed its internal credit. The domestic debt of thirty-four millions of dollars was unprovided for. Of the foreign debt of nearly eight millions, under all its circumstances, the most sacred of national obligations, the first accruing interest fell due at this time, and was

also without a provision. The two States of largest population and resources were both sadly delinquent. Massachusetts was in vain required by the Superintendent of Finance to meet her engagements, but she was not insensible to her obligations. Her legislature again appointed delegates to a convention to adopt a uniform system of taxation by import and excise. "The States here," Greene writes from Carolina, "have been so tardy as to regard representations little more than an idle dream, or an Eastern tale." "My hopes and expectations," wrote Harrison, the Governor of Virginia, "are all blasted by the conduct of the assembly. What powers there were in the Executive are done away, and restrictions substituted in their room. Much is required of me, and no means left of doing little."

On the fourth of November, the day after the date of the letter to La Fayette, Congress arose.

Though among its members were men of high personal character and eminent patriotism, such as Duane and Hanson, Izard and Middleton, with the exception of Boudinot, Madison, and Edmund Randolph, there were no names conspicuous in the after history of the American people.

The executive departments, as Hamilton anticipated when he suggested them, were introducing system and economy into the administration; and thus the annual expenditure, which had risen to twenty, was reduced to eight millions.

But there was not in the national legislature a single individual who combined the qualities necessary to give to the public councils the impulse, the direction, and the vigor which the condition of the country so much demanded.

With repeated and impressive earnestness the Super-

intendent of Finance is seen exhorting the adoption of measures suited to the exigencies of the period, but no answering voice is heard from Congress.

The creation of a currency—the importance of funding the debt—the utility of loans—the necessity of revenue supplemental to that to be derived from the impost—of a land tax, a poll tax, an excise—were all urged by him, but urged in vain.

The early enthusiasm of the nation had passed away. The authority of government had not followed: all was apathy and irresolution, or temporary expedient.

Funds could not indeed be obtained without the sanction of the States; but the great principles of public faith might have been enforced. Pledges to fulfil it might have been given. The people might have been appealed to, and thus accustomed to the always useful language of truth.

The incorporation of a bank, opposed by Madison from scruples as to its constitutionality, was the only measure of relief adopted.

While waiting the concurrence of the States in the grant of authority to collect an impost, endeavors were made to induce a cession of the unappropriated lands to the common treasury.

The disposal of this vast domain had early attracted the attention of the general legislature.

Assuming that the unappropriated territory had become national property, a bounty in the public lands was offered, the second year of the war, as an inducement to enlist. Averse to this measure, Maryland suggested the substitute of a money bounty, but the suggestion was not approved.

Two years after, Virginia passed a law opening offices for the sale of her lands. As her territorial claims were

regarded with much jealousy by the other States, Congress urged her "to forbear."

New Jersey proposed an amendment to the articles of the confederation, which, while it admitted the jurisdiction of each State over the public demesne within its chartered limits, declared that the crown lands ought to belong to Congress in trust for the United States.

Maryland, when she approved those articles, instructed her delegates not to ratify them unless the principle was distinctly admitted of a joint interest of the United States in this territory. Virginia interposed a remonstrance.

Sensible of the importance of removing this obstacle to a completion of the confederation, New York, though one of the largest claimants, soon after made a cession of her rights.

Congress hastened to avail themselves of this propitious example; and having expressly declined a discussion of the conflicting claims, recommended a liberal surrender by the States, in order to establish the federal union on a permanent basis.

They soon after resolved that the ceded lands should be disposed of for the common benefit, and formed into distinct republican States, to become members of the Union. They also declared that the expenses incurred by any particular State in the reduction of any British posts, or in the defence or acquisition of any part of the ceded territory, should be reimbursed.

Alive to the importance of completing the articles of confederation, Maryland, though she still affirmed her title to a share in the unappropriated lands, at last acceded to them.

Virginia adhered to her original views. A narrow policy swayed her councils—a policy which, content with the temporary political importance she conferred on her

public men, left her great resources without culture, and sacrificed her permanent interests to their speculative theories.

The claims of the whole Union were denominated "aggressions"—aggressions which she ought to be prepared to resist. Yielding at last, she made a formal cession of her lands, but clogged with conditions which Congress pronounced "incompatible with the honor, interest, and peace of the Union." By one of these conditions, a guarantee of her territory from the Atlantic to the Ohio was required.

This subject was some time after resumed, and a day was proposed to consider the western limits beyond which Congress would not extend their guarantee to the particular States, to ascertain what territory belonged to the United States, and to establish a plan for the disposal of it in order to discharge the national debts.

The delegates of Virginia, Jones, Madison, and Randolph, protested. They refused to give evidence of her title, as New York had done—stated that Congress had recommended a "liberal surrender," and to make her acts of cession the basis of a discussion of her rights, "was in direct contravention of that recommendation." *

* Madison wrote to Pendleton: "You are not mistaken in your apprehensions for our western interests. An agrarian law is as much coveted by the *little* members of the Union, as ever it was by the *indigent* citizens of Rome. We have made every opposition and remonstrance to the conduct of the committee which the forms of proceedings will admit. When a report is made, we shall renew our efforts upon more eligible ground, but with little hope of arresting any aggression upon Virginia, which depends solely on the inclination of Congress." "We are very anxious to bring the matter to issue, that the State may know *what course their honor and security* require them to take."—Nov. 1781. "Considering the extensive interests and claims which Virginia has, and the enemies and calumnies which these very claims form against her, she is perhaps under the strongest obligation of any State in the Union to *pre-*

Notwithstanding her pertinacity, the utility of the measure was too obvious to permit its being abandoned, and late in this congressional year a report was made to Congress, again recommending cessions of these lands as "an important fund for the discharge of the national debt." On the final vote, this report was lost by a geographical division. The States north of the Potomac being unanimous in favor of it, and the four Southern States, with the exception of two members, opposing it.*

A strong indication of the feelings on this subject, was also given in a vote on the instructions as to the terms of a treaty with England. On a motion to amend them so as to require that France should support the territorial claims of these *States*, Maryland proposed to insert the word "United" before the word "States." The proposition was rejected. Thus, from these collisions, all expectation of relief from that great source of wealth was disappointed.

The controversies as to limits between Pennsylvania and Connecticut, and between New York and the inhabitants of the New Hampshire grants, now comprised within Vermont, were also unadjusted. The contentions produced by these controversies extended their influence to other members of the confederacy, and as the decision would affect their future political weight, occupied a large share in their discussions.

A proposal had been made for a requisition to pay the interest on the liquidated accounts. But the condition of the treasury forbade its adoption; and notwithstanding the exertions of the Superintendent of Finance, Congress

serve her military contingent on a respectable footing; and unhappily her line is, perhaps, of all, in the most disgraceful condition."—April, 1782.—Madison's Papers, vol. i., pages 99, 101, 117.

* Ayes—Bland and Izard.

were compelled to pass a resolution suspending the payment of the interest on the loan-office certificates.—The only remaining vestige of public credit was effaced.

This session, so fruitless in results, at last closed with another requisition of six millions of dollars, for the current service: again showing the impotence of a system Hamilton pronounced neither fit for peace nor fit for war.

The community presented in its private relations a not less disheartening scene. The waste of war had produced an increased demand for the products of agriculture, which in some measure supplied the want of a foreign market; and the expenditures of the government had, during its earlier periods, created a fulness and rapidity of circulation which bore the semblance of prosperity. The numbers employed in military service had also induced an increased demand for labor, so as to enhance its value. But when the currency depreciated, and the wants of the government were reduced, when trade began to be restored to its natural level, and the enforcement of debts followed, the people awakened from their illusions; the tranquillity of society was disturbed, and it seemed as though a pestilence, as unforeseen as fatal, was sweeping over the land.

To these evils flowing from the obstruction of industry, from vitiated unfunded papor emissions, from national bankruptcy, were added the pernicious consequences of legislative proscription. It was after a comprehensive survey of these manifold evils that Hamilton remarked; "The more I see, the more I find reason for those who love this country to weep over its blindness."

CHAPTER XXXI.

The war of the Revolution, as a scene of military movement, fades into insignificance before the conflicts of the elder nations of the earth. There empire is seen subverting empire—race supplanting race—manners, customs, laws, in total change. But, with few exceptions, the sceptre still holds dominion. Allegiance is the tie.

It is as a war of opinion—as the beginning of that great experiment in modern times, whether men are capable of self-government—that the contest in America assumes its immeasurable importance.

When the pressure of arms was less felt, the division of public opinion, exhibited in every stage of the controversy, became more apparent.

On one side, were beheld the equal fellowship of man with man in a great concert of action, extending to the borders of the republic—the sovereignty of the People asserting the dignity of a national existence. On the other, the sovereignty of States, mere artificial existences, embodying, continuing, and confirming colonial distinctions and colonial prejudices.

The one embraced the vigorous hopes of youth, looking to a glorious future—the other the timid jealousies of the past. Of the former, Washington and Hamilton

were the representatives—of the latter, their opponents.

In this view, the session of Congress which now commenced was of great importance. Various other circumstances combined to impart to it the deepest interest—the period at which it assembled, the retirement of many of the elder members who had previously directed the public councils, the devolution of these upon younger men, whose views had not been developed, and the importance of the topics upon which they were called to act.

The principal of these were—the restoration of the public credit by the reduction of the expenditures of the confederacy, and by the establishment of permanent funds for its support, and for the redemption of the debt; the adjustment of the terms of peace, and the conclusion of a treaty with England; the organization of a peace establishment; and the disbanding of the residue of the army under circumstances of peculiar embarrassment.

Of the proceedings on these questions, few other memorials remain than those which are to be gleaned from the journals of Congress, and such occasional lights as may be derived from the few letters which have been preserved relating to this period. Unfortunately for the truth and for our national fame, no authentic statement of the debates exists; and instead of a sketch of the ardent discussions which took place, and which so much enrich the contemporaneous history of the British parliament, a bare recital of a part of the naked results can only be made.

Yet these are fully deserving attention, as giving a progressive view of Hamilton's opinions and services in the school which prepared him for his subsequent

career, and as indispensable to the study of American history.

The federal legislature was organized by the election of Elias Boudinot as president, a delegate from New Jersey, who had rendered many important services, had made many sacrifices, and deservedly enjoyed the largest confidence.

The greatest number of members who attended during this session did not exceed thirty; of these, Witherspoon, Clymer, Elsworth, McKean, Floyd, and Clark, had been delegates in seventeen hundred and seventy-six.

The first, a native of Edinburgh and a divine, had acquired celebrity from the powerful talent often evinced in polemical controversy, had received a finished education, and was chiefly distinguished for that penetrating shrewdness and invincible constancy of purpose which mark the national character of the country of his birth.

Clymer was a merchant of Philadelphia. His known probity had given him a strong hold on the confidence of that city. His eminent firmness had recommended him to the convention of Pennsylvania as a delegate to Congress, when Dickinson refused to sign the Declaration of Independence, and other members had withdrawn; and thus his name is signally connected with that imperishable document. At a later period of the session, Pennsylvania was also represented by Wilson, a lawyer of a vigorous and cultivated intellect.

Randolph having retired, was succeeded by Colonel Bland, who had served with reputation in the army, was a man of comprehensive and liberal views, and of a probity unblemished, unsuspected, and unsuspicious. With him were associated Jones and Lee, Mercer and

Madison, composing the delegation from Virginia. The intimate connection of the latter with the incidents of this narrative, places him so frequently in view, as to supersede the necessity of delineating a character not easily analyzed.

John Rutledge, regarded by South Carolina as the great pillar of the Revolution in that State, had long presided over her councils, and brought into this assembly all the weight of an established reputation, the influence of inflexible determination, great experience, lofty eloquence.

Oliver Elsworth soon after took his seat, first among the patriots whom Connecticut boasts. He had early acquired much reputation at the bar for his accurate and extensive professional attainments, and a practical sagacity, which, after long service, was matured into great civil prudence. Relying on the justness of his own intellect, he did not often seek the conflict of debate; but when an exertion was least anticipated, by the union of strength with consummate skill, he rarely failed to triumph over the adverse party.

With these able men Hamilton was now associated.

To prepare him for the high office to which he was destined, no individual could have been placed in more auspicious circumstances. As the youthful champion of popular rights against the advocates of arbitrary power, his mind was early conversant with all the great fundamental principles of civil liberty. Mingling with the people at the outbreak of the revolution, he entered intimately into all their sympathies, and saw and measured the conflicting forces of reason and passion on masses of men, and learned to give to each its due weight and value.

In the commission which he held during the campaign

of seventeen hundred and seventy-six, he was taught, in a most active and arduous service with the untrained and ill-supplied levies of an army little organized, the important lessons of self-dependence and self-command, and witnessed all the resource and elasticity, endurance and confidence, of the American character.

As the confidential aid of the commander-in-chief, his illustrious friend, every object was placed before him on the largest scale. He looked upon the country as from an eminence, and was enabled to survey it in all its bearings, and to collect all the lights of the vast panorama.

Intimate with all the inmost councils of his chief, participating in all his hopes and fears, he was there not only to suggest, to concert, to compare, to arrange with him the measures that were resolved, but was in their constant administration. Hence, each day he was called to think for the morrow, and each hour learned some lesson of practical wisdom. Plans and results in their instructive march passed before him in rapid succession. His salient genius was forever in motion, and he was forever under the pressure of responsibility.

The correspondence with the States and with Congress informed him of the complexity and defects of the several systems, each asking and each denying aid to their mutual infantile dependence.

His remote birth was a public advantage. It left him free from all the local prejudices which infect and are the bane of a confederacy. His strong vision was obstructed by nothing artificial; and when contending for the common cause of liberty, he felt that he was contending for a nation of freemen. The States were mere political aggregates, which might vanish in a moment. He allied all his thoughts and directed all his acts to one

great, and, as he hoped, enduring entity—the whole people of the United States.

It was to forward this great purpose, to form "of many one nation," that he accepted a place in the public councils; and while his best efforts were exerted to meet present exigencies, the mode in which he met them, shows that he was ever intent upon the sublime idea of securing to them the blessings of liberty in the establishment, by themselves, of a balanced constitution of government.

Of the distinctive features of that commanding and winning eloquence, the wonder and the delight of friend and foe, but of which no perfect reports are preserved, a delineation will not now be attempted.

It suffices here to observe how deeply his modes of thinking imparted to the proceedings of this body a new tone and character. And those who remark in these pages the sentiments with which he regarded the demands of the army, how solemn his respect for the requirements of justice, how incessant and undespairing his efforts to fulfil them, can best image to themselves with what living touches and thrilling appeals he called up before this Senate their accumulated wrongs, and with what deep emotions, and almost holy zeal, he urged, he enforced, he implored, with all the ardor of his bold, true-hearted nature, an honest fulfilment of the obligations to public faith.

Of the estimation in which he was held, his recommendation to the important commission of Adjutant-general, continuing his intimate relations with Washington, and subsequently as Superintendent of Finance—next to that of the commander-in-chief—the station of highest trust and widest influences, are marked evidences. Not long after he was in nomination as Secretary of Foreign

Affairs.* La Fayette recently gave still stronger proof of his confidence. He wrote from Europe to La Luzerne, yet Minister of France at Philadelphia, urging that Hamilton might be sent envoy to London to conclude a peace. "I advise you to take a gentleman who has no connection with the great men in England. Our friend Hamilton would be a very proper choice. You ought to bring it about. There are few men so honest and sensible. I hope you may send him. He knows—better than all—the British councils."

General Schuyler wrote his daughter soon after Congress met:—"Participate afresh in the satisfaction I experience from the connection you have made with my beloved Hamilton. He affords me happiness too exquisite for expression. I daily experience the pleasure of hearing encomiums on his virtue and abilities from those who are capable of distinguishing between real and pretended merit. He is considered, as he certainly is, the ornament of his country, and capable of rendering it the most essential services, if his advice and suggestions are attended to. In short, every true patriot rejoices that he is one of the great council of these States." †

Although the greater number of the members of Congress had assembled at the opening of the session on the fourth of November,‡ yet, with the exception of the discussion of a proposition to quiet the long-pending contro-

* "Dr. Arthur Lee, Lovell, and young Hamilton, are in nomination for the foreign correspondence. Your friend Samuel Adams has left this place, much displeased, and in a temper to awaken the jealousies, if not the resentments, of his countrymen and constituents."—John Armstrong to Gen. Armstrong, Philadelphia, May 10th, 1781.

† Schuyler to Mrs. Hamilton, Philadelphia, Dec. 15th, 1782.

‡ 1782.

versy between New York and Vermont, no topic of permanent interest occupied their deliberations until after the arrival of Hamilton, who took his seat on the twenty-fifth of that month.

During the following week, having in view an efficient system of finance, he is seen uniting in a motion to postpone a proposed provision for certain temporary corps of the army; recommending as chairman of the army committee, in order to reduce the expenditure, the substitution of a specified allowance in money for the stipulated rations; and reporting a resolution dissuading any relief to the foreign officers then in the service, (a class of meritorious individuals, whose situation he declared involved a peculiar hardship, and required, if possible, some discrimination in their favor,) lest, in the embarrassed state of the finances, it might derange the general plans of the Superintendent of Finance, to whose discretion they were referred.

Memorials from the legislature of Pennsylvania, which had been laid before Congress, but had not been acted upon, presented to them a subject of great delicacy and magnitude.

That State had late in the preceding summer * complained, as a serious grievance, of the inability of its citizens to settle their accounts with the United States, of the nonpayment of the debts due to them by the public, and of the suspension of the interest on certain classes of certificates. Expressing an apprehension that this suspension would be extended farther, she represented that other States were making provision for the liquidation and payment of the debts due to their citizens; that the collection

* August 28, 1782.

of taxes was impeded; and urged that a general plan should be devised for settling the unliquidated debts of the United States, for paying them or a part of them, and also for the regular and punctual discharge of the interest on all the public debts, until the principal should be finally discharged. These views were again enforced upon congress in a recent memorial.*

The whole extent of the contributions of the confederacy during the past year, to a requisition for eight millions of dollars, had little exceeded four hundred thousand, while the foreign loans had yielded less than a million; with which sums the government had been carried on.

To satisfy the demands of the public creditors in this state of the finances, was evidently impracticable; yet how to refuse without offending this central State, under unhappy influences and with an unsettled policy, which numbered among its claimants many of those who had most largely contributed to the relief of the treasury, was a consideration of the highest moment. To assuage its growing irritation, and by a frank exposition of their true situation, while congress showed their inability to fulfil their engagements, to endeavour to inspire confidence in the ultimate discharge of the debt, was a course dictated by integrity and policy.

With this view, Hamilton, on the fourth of December, moved the appointment of a committee of conference with her legislature.

The demands of Pennsylvania had assumed a serious character. The alternative was presented to congress, either to make a substantial provision for her claims, or, without the power of coercion, to behold her appropriating all her own resources to discharge the debts due by the confederation to her own citizens.

* November 12.

But still more cogent motives now arose to prompt efficient measures of finance.. The progress of the negotiations had induced a general expectation of peace, which was confirmed by the movement of the French auxiliaries to Boston, to embark for the West Indies.

As the probability of a treaty being concluded increased, the reduction of the army became a topic of universal discussion.

After their great and long privations, the army under any other circumstances would have looked to this event with intense gratification; for, unlike the soldiers of more populous regions, they had relinquished avocations which yielded them an ample competence, with a full knowledge of the sacrifices they were about to make.

But their return to private life was now clouded with the most desolate and appalling prospects. Loaded with debts incurred for their subsistence, their youth gone by, many with families worn down by poverty—these veterans saw in their expected disbandment, the moment when they were to be turned in penury upon the world, deprived of their just dues, and without any provision for their half-pay, by the assurance of which the officers had been encouraged to continue in the service, and to which they looked as their chief resource in the closing scenes of life.

Influenced by a sense of their wrongs, their murmurs increased, and in no bosom did they excite stronger sympathy than in that of their fellow-soldier and friend.

With such urgent motives for an early action upon this subject, Hamilton, two days after,* moved a resolution directing the superintendent of finance to represent to the states the indispensable necessity of their complying with the requisition for raising a sum equal to a year's interest

* December 6.

of the domestic debt, and two millions for the current service; and to point out the embarrassments which resulted from appropriations by the states of the moneys required by congress, "assuring them that they were determined to make the fullest justice to the public creditors an invariable object of their counsels and exertions."

His resolution embraced the appointment of a deputation to Rhode Island, to urge the grant of the impost "as a measure essential to the safety and reputation of these states;" and with a view to carry it immediately into effect,* he brought forward the draft of an ordinance for its collection.

The deputation to Rhode Island was appointed, its delegates alone dissenting, and the following letter, prepared by Hamilton, was addressed to the governor of that state.†

"SIR,

"Congress are equally affected and alarmed by the information they have received, that the legislature of your state at their last meeting have refused their concurrence in establishing a duty on imports. They consider this measure as so indispensable to the prosecution of the war, that a sense of duty and regard to the common safety, compel them to renew their efforts to engage a compliance with it; and in this view they have determined to send a deputation of three of their members to your state, as expressed in the enclosed resolution. The gentlemen they have appointed will be able to lay before you a full and just representation of public affairs, from which they flatter themselves will result a conviction of the propriety of their solicitude upon the present occasion. Convinced by past experience of the zeal and patriotism of the state of Rhode Island, they cannot doubt that it will yield to those

* December 10. † December 11.

urgent considerations which flow from a knowledge of our true situation.

"They will only briefly observe, that the increasing discontents of the army, the loud clamours of the public creditors, and the extreme disproportion between the public supplies and the demands of the public service, are so many invincible arguments for the fund recommended by congress. They feel themselves unable to devise any other, that will be more efficacious, less exceptionable, or more generally agreeable; and if this is refused, they anticipate calamities of a most menacing nature—with this consolation, however, that they have faithfully discharged their trust, and that the mischiefs which may follow cannot be attributed to them.

"A principal object of the proposed fund is to *procure loans abroad.* If no security can be held out to lenders, the success of these must necessarily be very limited. The last accounts on the subject were not flattering; and when intelligence shall arrive in Europe, that the state of Rhode Island has disagreed to the only fund which has yet been devised, there is every reason to apprehend it will have a fatal influence upon their future progress.

"Deprived of this resource, our affairs must in all probability rapidly hasten to a dangerous crisis, and these states be involved in greater embarrassments than they have yet experienced, and from which it may be much more difficult to emerge. Congress will only add a request to your excellency, that if the legislature should not be sitting, it may be called together as speedily as possible, to enable the gentlemen whom they have deputed, to perform the purpose of their mission."

A similar appeal had been made the previous summer to which formal objections were interposed.

The next day the delegates from that state laid before

congress a letter from the speaker of its lower house. This letter stated that the recommendation of congress had been unanimously rejected, and gave the grounds of that rejection. Upon the basis of this procedure, the Rhode Island delegates moved that the resolve appointing a deputation to it, should be rescinded. At the instance of Hamilton, the previous question was carried; and four days after, he laid before congress an address to that state, prepared in answer to the speaker's letter.

This paper is of great importance, as the earliest public document in which the policy of a national revenue is discussed in the spirit of a statesman, and will be perused with deep interest, as an exposition of the views Hamilton had long entertained on some of the great questions upon which he was subsequently called to act.

The objections of Rhode Island were answered in succession.* The first of these alleged its inequality, as "bearing hardest upon the commercial states." It was met by a statement of the general principle, that "every duty on imports is incorporated in the price of the commodity, and ultimately paid by the consumer, with a profit on the duty as a compensation" for the advance by the merchant. An overstocked market, and competition among the sellers, might prevent this; but in the general course of trade, the demand for consumption preponderates.

Every class of the community bears its share of the duty in proportion to the consumption, which is regulated by its comparative wealth. "A chief excellence," he observed, "of this mode of revenue is, that it preserves a just measure to the abilities of individuals, promotes frugality, and taxes extravagance." The same reasoning applies to the intercourse between two states; either will only feel

* 4 J. C. 198.

the burden in the ratio to its consumption and wealth. The impost, instead of bearing hardest on the most commercial states, will rather have a contrary effect, though not in a sufficient degree to justify an objection on the part of the non-importing states. But "overnice and minute calculations in matters of this nature, are inconsistent with national measures; and, in the imperfect state of human affairs, would stagnate all the operations of government. Absolute equality is not to be attained; to aim at it, is pursuing a shadow at the expense of the substance; and in the event, we should find ourselves wider of the mark, than if, in the first instance, we were content to approach it with moderation."

The second objection, "that the impost would introduce into the states officers unknown and unaccountable to them, and was thus contrary to the constitution of the state," was replied to at length.

"It is not to be presumed," Hamilton remarked, "that the constitution of any state could mean to define and fix the precise numbers and descriptions of all officers to be permitted in the state, excluding the creation of any new ones, whatever might be the necessity derived from that variety of circumstances incident to all political institutions. The legislature must always have a discretionary power of appointing officers, not expressly known to the constitution; and this power will include that of authorizing the fœderal government to make the appointments in cases where the general welfare may require it. The denial of this would prove too much; to wit, that the power given by the confederation to congress, to appoint all officers in the post-office, was illegal and unconstitutional.

"The doctrine advanced by Rhode Island would perhaps prove also that the fœderal government ought to have the appointment of no internal officers whatever; a position that would defeat all the provisions of the confederation,

and all the purposes of the union. The truth is, that no fœderal constitution can exist without powers that in their exercise affect the internal police of the component members. It is equally true, that no government can exist without a right to appoint officers for those purposes which proceed from, and concentre in, itself; and therefore the confederation has expressly declared, that congress shall have authority to appoint all such 'civil officers as may be necessary for managing the general affairs of the United States under their direction.' All that can be required is, that the fœderal government confine its appointments to such as it is empowered to make by the original act of union or by the subsequent consent of the parties; unless there should be express words of exclusion in the constitution of a state, there can be no reason to doubt that it is within the compass of legislative discretion to communicate that authority. The propriety of doing it upon the present occasion is founded on substantial reasons.

"The measure proposed is a measure of necessity. Repeated experiments have shown, that the revenue to be raised within these states is altogether inadequate to the public wants. The deficiency can only be supplied by loans. Our applications to the foreign powers on whose friendship we depend, have had a success far short of our necessities. The next resource is, to borrow from individuals. These will neither be actuated by generosity nor reasons of state. 'Tis to their interest alone we must appeal. To conciliate this, we must not only stipulate a proper compensation for what they lend, but we must give security for the performance. We must pledge an ascertained fund, simple and productive in its nature, general in its principle, and at the disposal of a single will. There can be little confidence in a security under the constant revisal of thirteen different deliberatives. It must, once for all, be defined and established on the faith of the states,

solemnly pledged to each other, and not revocable by any without a breach of the general compact. 'Tis by such expedients that nations whose resources are understood, whose reputations and governments are erected on the foundation of ages, are enabled to obtain a solid and extensive credit. Would it be reasonable in us to hope for more easy terms, who have so recently assumed our rank among the nations? Is it not to be expected, that individuals will be cautious in lending their money to a people in our circumstances, and that they will at least require the best security we can give?"

Having adverted to the peculiar motives to remove the existing prepossessions unfavourable to the public credit, by means the most obvious and striking, he observed:—

"It was with these views congress determined on a general fund; and the one they have recommended must, upon a thorough examination, appear to have fewer inconveniences than any other.

"It has been remarked, as an essential part of the plan, that the fund should depend on a single will. This will not be the case, unless the collection, as well as the appropriation, is under the control of the United States; for it is evident that, after the duty is agreed upon, it may in a great measure be defeated by an ineffectual mode of levying it. The United States have a common interest in a uniform and equally energetic collection; and not only policy, but justice to all the parts of the Union, designates the utility of lodging the power of making it where the interest is common. Without this, it might in reality operate as a very *unequal tax*."

The third objection was, "That by granting to congress a power to collect moneys from the commerce of these states indefinitely as to time and quantity, and for the expenditure of which they are not to be accountable to the states, they would become independent of their constitu-

ents; and so the proposed impost is repugnant to the liberty of the United States."

"Admitting the principle of this objection to be true, still it ought to have no weight in the present case, because there is no analogy between the principle and the fact.

"First—The fund proposed is sufficiently definite as to time, because it is only coextensive with the existence of the debt contracted, and to be contracted in the course of the war. Congress are persuaded that it is as remote from the intention of their constituents to perpetuate that debt, as to extinguish it at once by a faithless neglect of providing the means to fulfil the public engagements. Their ability to discharge it in a moderate time, can as little be doubted as their inclination; and the moment that debt ceases, the duty, so far as respects the present provision, ceases with it.

"The resolution recommending the duty, specifies the object of it to be the discharge of the principal and interest of the debts already contracted on the faith of the United States for supporting the present war.

"Secondly—The rate per cent. is fixed, and it is not at the option of the United States to increase it. Though the product will vary according to the variations in trade, yet, as there is this limitation of the rate, it cannot be properly said to be indefinite as to quantity.

"By the confederation, congress have an absolute discretion in determining the quantum of revenue requisite for the national expenditure. When this is done, nothing remains for the states separately but the mode of raising. No state can dispute the obligation to pay the sum demanded, without a breach of the confederation; and when the money comes into the treasury, the appropriation is the exclusive province of the fœderal government. This provision of the confederation, (without which it would be an empty form,) comprehends in it the principle in its fullest

latitude, which the objection under consideration treats as repugnant to the liberty of the United States; to wit, an indefinite power of prescribing the quantity of money to be raised, and of appropriating it when raised.

"If it be said that the states, individually, having the collection in their own hands, may refuse a compliance with exorbitant demands, the confederation will answer, that this is a point of which they have no constitutional liberty to judge. Such a refusal would be an exertion of power, not of right; and the same power which could disregard a requisition made on the authority of the confederation, might at any time arrest the collection of the duty.

"The same kind of responsibility which exists with respect to the expenditure of the money furnished in the forms hitherto practised, would be equally applicable to the revenue from the imports.

"The truth is, the security intended to the general liberty in the confederation, consists in the frequent election and in the rotation of the members of congress, by which there is a constant and an effectual check upon them. This is the security which the people in every state enjoy against the usurpations of their internal governments; and it is the true source of security in a representative republic. The government so constituted, ought to have the means necessary to answer the end of its institution. By weakening its hands too much, it may be rendered incapable of providing for the interior harmony or the exterior defence of the state.

"The measure in question, if not within the letter, is within the spirit of the confederation. Congress by that are empowered to borrow money for the use of the United States, and, by implication, to concert the means necessary to accomplish the end. But without insisting on this argument, if the confederation has not made proper provision for the exigencies of the states, it will be at all times

the duty of congress to suggest further provisions; and when their proposals are submitted to the unanimous consent of the states, they can never be charged with exceeding the bounds of their trust. Such a consent is the basis and sanction of the confederation, which expressly, in the thirteenth article, empowers congress to agree to and prepare such additional provision.

"The remarks hitherto made, have had reference principally to the future prosecution of the war. There still remains an interesting light in which the subject ought to be viewed.

"The United States have already contracted a debt in Europe and in this country, for which their faith is pledged. The capital of this debt can only be discharged by degrees; but a fund for this purpose, and for paying the interest annually, on every principle of policy and justice, ought to be provided. The omission will be the deepest ingratitude and cruelty to a large number of meritorious individuals, who, in the most critical periods of the war, have adventured their fortunes in support of our independence. It would stamp the national character with indelible disgrace.

"An annual provision for the purpose will be too precarious. If its continuance and application were certain, it would not afford complete relief. With many, the regular payment of interest, by occasional grants, would suffice; but with many more it would not. These want the use of the principal itself, and they have a right to it; but since it is not in our power to pay off the principal, the next expedient is to fund the debt, and render the evidences of it negotiable.

"Besides the advantage to individuals from this arrangement, the active stock of the nation would be increased by the whole amount of the domestic debt, and of course, the abilities of the community to contribute to the public

wants; the national credit would receive and stand hereafter on a secure basis."

This was another object of the proposed duty.

The eligibility of this fund was next shown "The principal thing," he said, "to be consulted for the advancement of commerce, is to promote exports; all impediments to these, either by way of prohibition or by increasing the prices of native commodities, decreasing by that means their sale and consumption at foreign markets, are injurious. Duties on exports have this operation. For the same reasons, taxes on possessions and the articles of our own growth and manufacture, whether in the form of a land tax, excise, or any other, are more hurtful to trade than import duties. But it was not to be inferred that the whole revenue ought to be drawn from imports; all extremes are to be rejected. The chief thing to be attended to is, that the weight of the taxes fall not too heavily in the first instance upon particular parts of the community: a judicious distribution to all kinds of taxable property, is a first principle in taxation."

The report closed with these impressive reflections, suggested by the language of Rhode Island:—

"There is a happy mean between too much confidence and excessive jealousy, in which the health and prosperity of a state consist. Either extreme is a dangerous vice: the first is a temptation to men in power to arrogate more than they have a right to; the latter enervates government, prevents system in the administration, defeats the most salutary measures, breeds confusion in the state, disgusts and discontents among the people, and may eventually prove as fatal to liberty as the opposite temper.

"It is certainly pernicious to leave any government in a situation of responsibility disproportionate to its power. The conduct of the war is intrusted to congress, and the public expectation turned upon them, without any compe-

tent means at their command to satisfy the important trust. After the most full and solemn deliberation, under a collective view of all the public difficulties, they recommend a measure which appears to them the corner-stone of the public safety; they see this measure suspended for near two years—partially complied with by some of the states, rejected by one of them, and in danger on that account to be frustrated; the public embarrassments every day increasing; the dissatisfaction of the army growing more serious, the other creditors of the public clamoring for justice—both, irritated by the delay of measures for their present relief or future security; the hopes of our enemies encouraged to protract the war—the zeal of our friends depressed by an appearance of remissness and want of exertion on our part—congress harassed, the national character suffering, and the national safety at the mercy of events."

Resolutions were appended to this report giving the first public pledge of a determination to establish a SINKING FUND.*

On the following day, in pursuance of another report from Hamilton, the deputation to Rhode Island was directed to proceed as soon as possible.

While these efforts were made, a publication appeared

* Dec. 16th.—Whereas it is essential to justice and to the preservation of public credit, that whenever a nation is obliged by the exigencies of public affairs to contract a debt, proper funds should be established, not only for paying the annual value or interest of the same, but for discharging the principal within a reasonable period, by which a nation may avoid the evils of an excessive accumulation of debt. Therefore resolved, That whenever the nett produce of any funds recommended by congress and granted by the states, for funding the debt already contracted, or for procuring further loans for the support of the war, shall exceed the sum requisite for paying the interest of the whole amount of the national debt which these states may owe at the termination of the present war, the surplus of such grants shall form a sinking fund, to be inviolably appropriated to the payment of the principal of the said debt, and shall on no account be diverted to any other purpose.—

in a Boston gazette, which gave a false view of the state of the negotiations for foreign loans, and intimated that the danger to be apprehended was not embarrassment for want of funds, but from contracting too large a debt. This misrepresentation tended to impede all the exertions to obtain a grant of permanent funds. After some inquiry, Howell, a member from Rhode Island, avowed himself the author of it, and made a motion braving the opinion of congress, which was entered upon the journal,

Aware of the importance of an official declaration of its falsity, Hamilton offered a resolution, which was seconded by Carroll, that congress having, in respect to the articles of the confederation, admitted on its journals an entry of a motion of Mr. Howell highly derogatory to the dignity and honour of the United States, that a committee should be appointed to report the measures respecting it. They reported that a *true* state of the negotiations should be transmitted to the governor of Rhode Island.

The preceding address to that state, shows Hamilton's purpose to endeavour to establish an adequate and comprehensive system of finance. This would have provided for the state emissions, and state debts incurred for the common defence. An estimate which he had submitted to the superintendent of finance, showed that the probable receipts from the impost would be insufficient. It was necessary to increase the revenue; but before the assent of the states could be obtained to this increase, discontents

And in order that the several states may have proper information of the state of their finances, it is further resolved, That as soon as the public debt can be liquidated, each state be annually furnished with the amount thereof, and of the interest thereon; and also of the proceeds and disposition of the funds provided for the redemption thereof. That the faith of the United States be pledged for the observance of the foregoing resolution, and that if any state shall think it necessary to make it a condition of their grants, the same will be considered by congress as consistent with their resolution of the 3d of February, seventeen hundred and eighty-one.

which existed as to late requisitions were to be removed. With these views, he moved the appointment of a committee to report what further provision should be made "for discharging the interest on the loan-office certificates and other liquidated debts, and to revise the requisitions of the preceding and present year, and to report whether the same ought to be continued or altered."

The principal cause of the frequent collisions between the states as to the apportionment of the public burdens, proceeded from the failure to carry into effect the rule of the confederation as to the ratio of contribution. That rule contemplated an actual specific valuation of the lands in each state granted and surveyed, with the buildings and improvements. Objectionable as the rule was, the federal articles had prescribed it. Feeling the obligation of an effort to act upon it, Hamilton, on the sixth of January, offered a resolution in "order to enable congress to form an *eventual* plan towards carrying into execution" this article of the confederation. His view was, that this valuation should be made by commissioners appointed by and acting under the authority of the United States upon uniform principles. This resolution, together with those of the sixteenth of December, was referred to a committee composed of a member from each state.

The following day the house took up another subject connected with the fulfilment of the public faith. The large amount of old continental bills held in the New-England states, they having furnished the principal supplies, created a strong interest in that part of the union that some provision should be made for their redemption. A memorial having this object had been presented to the previous congress, which was referred to a grand committee of that body. This committee reported that specie certificates should be issued for these bills when paid into the hands of the commissioners appointed to

settle the accounts of the several states, and of individuals thereof, to bear an interest of six per cent. from their date, and to be provided for as other debts, if brought in prior to the expiration of the year seventeen hundred and eighty-three. It also proposed that the states which had not sunk the proportions of the continental money assigned to them, be charged with the deficiency at the prescribed rate. The rate was left in blank, to be filled up by the house.

The recent pledge introduced by Hamilton, of a determination to provide for the whole debt, probably induced Massachusetts to call up this report, in the hope that these bills would be embraced in such provision. Much opposition existed in the southern states to any redemption of these emissions.

When this report was offered for consideration, North Carolina moved its postponement. This motion being lost, a proposition was offered, that it be recommended to the several states to redeem their quotas of the old bills upon principles consonant "with the most substantial justice." This proposition also failed; and it being thus admitted, if redeemed at all, that they were a national charge, Hamilton moved "that the blank in the report be filled with the word 'forty,'" the rate of depreciation congress had established, but which composition he had censured as a violation of the public faith. This motion was rejected. A subsequent effort was made to fix the ratio at one for seventy-five, which was also rejected, some votes being against it as an inexpedient departure from the stipulated rate; others, because hostile to any provision.* The effort to redeem them was abandoned.

* The following statement is found in the report of the debates on this subject, Madison Papers, vol. 1, page 226, by James Madison.

"December 7th.—No congress.....The grand committee met again on the business of the old paper emissions, and agreed to the plan reported by the sub-committee in pursuance of Mr. Fitzsimmons's motion, viz.: that the out-

While the preliminary measures of finance were depending, the dangers which had been apprehended from the discontents of the army occurred, and Hamilton's ser-

standing bills should be taken up, and certificates issued in place thereof at the rate of one real dollar for ——— nominal ones, and that the surpluses redeemed by particular states should be credited to them at the same rate. Mr. Carroll alone dissented to the plan, alleging that a law of Maryland was adverse to it, which he considered as equipollent to an instruction. For filling up the blank, several rates were proposed. First, 1 for 40; on which the votes were, *no;* except Mr. Howell. Second, 1 for 75, *no;* Mr. White and Mr. Howell, *aye.* *Third*, 1 *for* 100, *no;* Mr. *Hamilton* and Mr. *Fitzsimmons*, *aye.* Fourth, 1 for 150, *no;* Mr. Fitzsimmons, *aye.* The reasons urged in favour of 1 for 40, were—first, an adherence to public faith; secondly, that the depreciation of the certificates would reduce the rate sufficiently low, they being now negotiated at the rate of 3 or 4 for 1. The reason for 1 for 75, was, that the bills passed at that rate when they were called in, in the eastern states; *for* 1 *for* 100, that *as popular ideas were opposed to the stipulated rate*, and as adopting the current rate might hurt the credit of other securities, which derived their value from an opinion that they would be *strictly* redeemed, it was best to take an *arbitrary rate*, leaning to the side of liberality; for 1 for 150, that this was the medium depreciation when the circulation ceased. The opposition to these several rates came from the southern delegates, in some of whose states none, in others but little, had been redeemed, and in all of which the depreciation had been much greater. On this side it was observed by Mr. Madison, that the states which had redeemed a surplus, or even their quotas, had not done it within the period fixed by congress, but in the last stages of depreciation, and, in a great degree, even after the money had ceased to circulate; that since the supposed cessation, the money had generally changed hands at a value far below any rate that had been named; that the principle established by the plan of the 18th of March, 1780, with respect to the money in question, was, that the holder of it should receive the value at which it was current, and at which it was presumed he had received it; that a different rule adopted with regard to the same money in different stages of its downfall, would give general dissatisfaction. The committee adjourned without coming to any decision."

On the 18th March, 1780, congress resolved that the bills in circulation should be redeemed at the rate of 40 for 1 Spanish milled dollar. To allow a less equivalent, was a breach of the public faith. The object of the foregoing statement is, to represent Hamilton as voting in favour of this breach of faith; but the statement is incorrect in all its parts.

The transaction is represented as having occurred on the 7th of December,

vices were placed in a conspicuous light by his efforts to render justice to his fellow-soldiers.

Near the close of the preceding autumn, the main army,

and not on the 7th of January, the actual date of the occurrence, as appears by the journals, vol. 4, page 141. To give colour to this alteration of the date, it is represented as having taken place in grand committee, and not in the house.

That grand committee was elected by the preceding congress,* and was composed of Duane, Dyer, Fitzsimmons, Gilman, Hanson, Howell, Jackson, Lee, McKean, Telfair, Williamson, and Witherspoon. *Hamilton was not a member of it;* consequently, he could not have given the vote imputed to him by Madison, nor any other vote.

The report of this committee came before congress on the 7th January, the amount in blank; a motion was made to *postpone* its consideration. Hamilton and Madison both voted *against* the motion for a postponement, which was lost. It was then moved that the several *states* should redeem on principles "of the most substantial justice." Hamilton and Madison both voted *against* this motion. Hamilton then moved to fill up the report with 40 for 1—Madison voted *against it;* a motion was then made of 75 for 1—Hamilton and Madison both against it. No vote is given of 100 or of 150 for 1, as stated by Madison.

The purport of these several votes was this. In voting *not* to postpone, Hamilton evinced his determination to fulfil a public engagement. In voting not to *refer* the provision to the *states*, he voted from the same motive. In proposing 40 for 1, he voted from the same motive. In voting against 75 for 1, he voted upon the consideration stated by him in his letter to Robert Morris, previously referred to, vol. 1, page 360:—"I have chosen the resolution of March, '80, as a standard; we ought not on any account to raise the value of the old paper higher than 40 to 1, for this will give it about the degree of value that is most salutary, at the same time that it would avoid a *second breach of faith*, which would cause a violent death to all future credit." He also voted on the 21st December previous, to certify certain pledges as "debts, at 1 dollar in specie for every 40 dollars of such pledges," in which Madison concurred.

Madison voting in the negative throughout, voted not to redeem the continental paper at any rate; assigning as one reason, "that the principle established by the plan of the 18th March, 1780, was, that the holder should receive the value at which it was current, and at which it was presumed he had received it, and that the same principle ought to govern in the different stages of its downfall. This was not the fact; 40 for 1, was the stipulated rate, below which no depreciation was to take place.

* 4 J. C. 141.

which had previously been moved to Verplank's Point, took up their winter-quarters among the woody hills in the vicinity of Newburgh, a position in every relation the most eligible that could have been selected. Their wants, and the near approach of peace, increased their anxiety for an adjustment of their accounts, and led the officers to look with extreme solicitude to the establishment of substantial funds, adequate to the discharge of their half-pay as it should become due.

Alarmed by information that there was a large party hostile to their claims, combinations among them to resign in a body, at stated periods, began to be formed. But they were diverted from this purpose, and induced to petition congress.

In their petition they stated that shadows had been offered to them, while the substance had been gleaned by others; that they had borne all that they could bear; that their property was expended, their private resources at an end, and their friends wearied out and disgusted with their incessant applications; that the soldiers had not received more than one-fifth of their rations; that the arrearages for their clothing in seventeen hundred and seventy-seven, were paid in continental money, when the dollar was worth only four pence, and that the accounts for the subsequent years were unliquidated. After this

Not only is a reason that did not exist assigned for his own vote, but one inconsistent with integrity is imputed to Hamilton for a vote *he* did *not* give. Madison gave the vote Hamilton refused to give. The reason stated by Madison to have been "urged in favour of" 40 for 1, the rate Hamilton proposed, was, "an adherence to public faith." The reason imputed to Hamilton by Madison for voting for 100 for 1, which Hamilton did *not* vote for, was, that as *popular* ideas were opposed to the *stipulated rate*, and as adopting the current rate might hurt the credit of other securities, which derived their value from an opinion that they would be *strictly* redeemed, it was best to take an *arbitrary* rate leaning to the side of popularity." What must be thought of such statements?

recapitulation of their wrongs, having asked for a supply of money as soon as possible, they urged an immediate adjustment of their dues; that a part should be paid, and the remainder put on such a footing as would restore cheerfulness to the army, revive confidence in the justice and generosity of its constituents, and contribute to the very desirable effect of re-establishing public credit. Adverting, in fine, to the odious light in which the persons entitled to half-pay were viewed, they proposed, in order to prevent altercations and distinctions, to commute the half-pay for full pay for a certain number of years, or for a sum in gross.

To attain these objects, they appointed General McDougal, Colonels Brooks and Ogden, a committee of correspondence to repair to Philadelphia. The state of opinion in congress was not such as to inspire confidence. The jealous spirit which withheld from the confederation the only means of restoring the public credit, and which, on the return of peace, was not unwilling to abandon or to dissolve the union, had been strongly evinced as to the claims of the army.

Aware of the difficulties to be encountered, it has been seen that Hamilton had been foremost to induce the refusal of all partial favours to any particular body of officers, had urged the necessity of avoiding discriminations between different classes of creditors, and had succeeded in postponing various applications for relief, the grant of which must have engendered discontent.

The army memorial was referred to a committee of which he was chairman, and on the twenty-fifth of January a report was made by him.

It comprehended five articles:—Present pay—a settlement of accounts of the arrearages of pay, and *security* for what was due—a commutation of the half-pay for an equivalent in gross—a settlement of the accounts of defi-

ciencies of rations and compensation, and a similar settlement as to clothing and compensation.

As to the pay, this report directed the superintendent of finance to make the payment requested, as soon as the state of the finances would permit; as to the accounts, that the states be called upon to complete the settlements with their respective levies to the first of August, seventeen hundred and eighty,* and that settlement from that period be made at the office of finance. As to security, it declared that the troops of the United States, in common with all their creditors, have an undoubted right to expect such security, and that congress will make every effort in their power to obtain from the respective states substantial funds, adequate to the object of funding the whole debt of the United States, and will enter upon an immediate and full consideration of the nature of such funds, and the most likely mode of obtaining them.

The remaining articles were referred to a sub-committee of which Hamilton was a member; and after the interval

* By resolution of 12th August, 1780, the states were recommended to make compensation for the depreciation of their pay; and from the first of that month it was declared that the army should receive it in the new emissions. It was therefore an express stipulation. Yet Madison states, "a compromise was proposed by Hamilton, by substituting the last day of December, 1780," for the first of August, in compliance with an objection of the eastern states.

The same principle was involved with that in the pledge of $40 for 1, of the old emission, as to which the charge has been disproved. It is seen that Hamilton's report was in conformity with this stipulation. How the change to December occurred, does not appear; but the journals show that Hamilton voted to reinstate August.* As this statement rests solely upon the evidence of Madison, and is neither in accordance with the report nor with this vote, its probability is more than questionable.—1 Mad. 278–9, 280.

*4 J. C. 152.

of a day, that part of this report which promised substantial and adequate funds, was considered.

The earliest known opinions of Hamilton indicate his conviction that the command of the revenue should be vested in congress, and that it should have the collection of it. He had stated in "the Continentalist,"* as "the great defect of the confederation, that it gives the United States no property, or in other words, no revenue, nor the means of acquiring it inherent in themselves, and independent on the temporary pleasure of the different members."—"As power without revenue, in a political society, was a name; while congress," he then said, "continue altogether dependent on the occasional grants of the several states, for the means of defraying the expenses of the fœderal government, it can neither have dignity, vigour, nor credit. Credit supposes specific and permanent funds for the punctual payment of interest, with a moral certainty of the final redemption of the principal. This credit being to be procured through congress, the funds ought to be provided, declared, and vested in them. Had we begun the practice of funding four years ago, we should have avoided that depreciation of the currency, which has been as pernicious to the morals as to the credit of the nation." It has been seen that he at the same time expressed the opinion, that congress should have the appointment "of all officers of the customs, collectors of taxes, and military officers of every rank, so as to create in the interior of each state a mass of influence in favour of the fœderal government."

The period had now arrived when he was enabled, personally, to propose the adoption of a measure which he had long contemplated—the establishment of a permanent national revenue. Unfortunately, on the day† when the

* August 4, 1781—No. 4. † Jan. 27.

discussion of this subject commenced, the delegates from Virginia laid before congress an act of their legislature, repealing her grant of the power to raise an impost; a repeal not dictated by temporary considerations, but manifesting a decided repugnance to the supremacy of the national legislature over any part of the revenue.

It declared, "that the permitting any power other than the general assembly of this commonwealth, to levy duties or taxes upon the citizens of this state, within the same, is injurious to its sovereignty, may prove destructive of the rights and liberty of this people, and so far as congress might exercise the same, is contravening the spirit of the confederation." Unpropitious as this procedure was, no other resource existed, and the debate proceeded in a committee on "permanent funds."

The first question to be decided was, whether if funds were provided they were to be collected by the states, or, as Hamilton had previously urged, should depend on "a single will." With a view to its decision, he offered the following declaratory resolution:—"That it is the opinion of congress that complete justice cannot be done to the creditors of the United States, nor the restoration of public credit be effected, nor the future exigencies of the war be provided for, but by the establishment of permanent and adequate funds, to operate generally throughout the United States, *to be collected by congress.*"

The petition of the officers of the army had been heard and answered; the memorial of the other public creditors had not been replied to.

After the late act of Virginia repealing the impost, it was particularly important that they should receive a similar pledge of ultimate justice. Prompted by this consideration, immediately after the introduction of this important resolution, Hamilton presented a report on the memorial of Pennsylvania respecting the debts due to her

citizens. This report stated, that any attempts to pay any of the past debts, would form so heavy a deduction from the greatest revenue that could be raised as would totally obstruct all present service, and that any present provision should be confined to the interest of the public debts. That such provision would offer eventual relief to the public creditors, and enable them to support their share of the public burdens without appropriating the whole revenue which can be drawn from the people to a payment of debts, and leaving thereby the public service unprovided for, which would involve the ruin of all ranks, creditors and others. That congress were and had long been deeply impressed with the absolute necessity that speedy and effectual measures should be taken, first to liquidate and ascertain the public debts, and then to secure the payment of the interest until the principal could be discharged. Acts of congress were referred to as evidence of this assertion. He added, that after a delay of two years, Rhode Island had entirely refused its concurrence to the impost, that Virginia had withdrawn its assent once given, and that a third state had returned no answer.

The inability of congress to perform its engagements, was stated to have resulted from the defective compliances of the states during the war. Of the last requisition for eight millions, only four hundred and twenty thousand dollars had been collected. The proceeds of the foreign loans* were stated, showing an available balance a little

* In vol. 1, page 273, of Madison's Debates, this passage is found:—

"In a *late* report, which had been drawn up by Mr. Hamilton, and *made to congress*, in answer to a memorial from the legislature of Pennsylvania, among other things showing the impossibility congress had been under of paying their creditors, it was observed, that the aid afforded by the court of France, *had been appropriated* by that court, *at the time, to the immediate use of the army*. This clause was objected to as *unnecessary*, and as *dishonourable* to congress. The *fact* also was *controverted*. Mr. Hamilton

exceeding eight hundred thousand dollars; while to feed, clothe, and pay the army, required nearly six millions.

The whole sum within the command of congress, was

and Mr. Fitzsimmons, *justified* the *expediency* of retaining it, in order to justify congress the more explicitly in failing to fulfil their engagements to the public creditors. Mr. Wilson and Madison proposed to strike out the words 'appropriated by France,' and substitute the words 'applied by congress to the immediate and necessary support of the army.' This proposition would have been readily approved, had it not appeared on examination, that in one or two small instances, and particularly in the payment of the balance due to Arthur Lee, Esq., other applications had been made of the aid in question. The report was finally recommitted."

This is no less than a charge of stating an untruth, and justifying it on the score of expediency, on the part of two gentlemen whose probity never was suspected, and for the motive of *justifying congress* with the public creditors. This minute is of the 24th of January. It speaks of a *late* report made to congress. The journal of that date does not refer to this report, but on the *thirtieth* of January it is given in full, as having been "agreed to as follows." A reason assigned by Madison why the clause thus objected to was not stricken out, is, that there had been a diversion of the money in one or two small instances. He adds, that it was recommitted. But if these instances prevented this clause being expunged, if it had been originally in the report, it must necessarily have been retained. On referring to this report, "agreed to" by congress, *no such clause can be found.* Its language is—"But according to the best accounts which can be obtained, the anticipations made in the funds for the year 1782 amounted, at the close of 1781, to four millions of livres. *For the service of that year*, his most christian majesty lent the United States 6,000,000 *livres.*"—4 J. C. 155.

But if it be assumed that the clause was there originally, and was stricken out, the charge is *unsupported.* The journals, page 202, contain the papers which Madison as chairman of a committee reported, and referred to ... an address of which he was the author. One of these papers, No. IV., is a letter from the French ambassador at Philadelphia, dated March 15, 1783. It commences thus—"Sir: I have the satisfaction to inform you, that his majesty procures for the United States a loan of *six millions, to be employed in the war department* during the course of the current year."——"The Count de Vergennes informs me, sir, that the six millions are lent to the United States in *the same manner*, and under the *same conditions*, with the sum which was *lent last year.*"——"I have had the honour to inform you, sir, that this money is lent to the United States to enable them *to carry on the war.* The wisdom of congress will determine according to circum-

little more than a million and a half of dollars; a sum insufficient to pay the interest then due on the public debts. "Yet," Hamilton remarked, "notwithstanding the discouraging obstacles they have hitherto encountered, they conceive it a duty to themselves and to their constituents, to persevere in their intentions to renew and extend their endeavours to procure the establishment of revenues equal to the purpose of funding all the debts of the United States; and they think it proper to inform the assembly of Pennsylvania, that this subject is now before them under solemn deliberation, and that her ready and early compliance with the recommendation of (an impost) assures congress of the vigorous support of that state."

Soon after this pledge was given, a report as to the mode of valuing the lands was taken into consideration.

This report proposed that the states should pass laws forming themselves into districts, and should appoint commissioners to estimate the value of their lands; which estimate, if approved by congress, was to determine the requisitions to be made.

Convinced that no efficient plan would be adopted from the predominance of state jealousies, and regarding the contemplated mode as involving inequalities and controversy, Hamilton moved to postpone the valuation. He assigned as reasons, "the great expense of it, to which the finances were then inadequate, and that in a matter so

stances on the manner of effecting that important object, and of *compelling the enemy*, by *joint efforts*, to conclude a solid and permanent peace."

That such was the sole object of this loan made by France, then under great pecuniary pressure, is obvious. Already a creditor for a large amount it cannot be supposed that France would have made an additional loan to the United States to pay their domestic creditors. A declaration such as that which Madison represents Wilson as concurring with him in endeavouring to substitute, would have been to declare that congress had *violated* their pledge to France in applying this loan to the immediate use of the army—the express use for which the loan was granted.

fundamental in the confederation, it was essential to the harmony and welfare of the United States, that it should be carried into effect with great care, circumspection, and impartiality, and that a short delay would be much less pernicious than a defective execution."

After thus urging that the attempt should be deferred, he pledged congress to proceed to an *accurate* valuation of the land by commissioners, *appointed by them*, and *acting under their authority*, upon principles uniform throughout the United States; that when this valuation is complete, congress will finally adjust the accounts of the United States with the states separately, agreeably to that standard, making equitable abatements to such as have been more immediate sufferers by the war: that in the mean time they would adhere, in the temporary adjustment of these accounts, to the proportions established by the requisitions of congress; and with a view to an *eventual plan*, he requested the states to transmit to them the valuations they had made, with an explanation of the principles on which they had been made.

This motion, though supported by a majority of members, was lost in a vote by states, and the plan reported was rejected.

The course of their proceedings gave small prospect of any salutary results. The officers were urgently pressing their claims. The justice of those claims was not to be questioned. The terms of commutation offered by the army, could not be excepted to. The claimants were suffering. They had received nothing but assurances, and they had reason to believe that, on the part of many, those assurances were deceptive. There was danger. Hamilton felt it, and after due reflection, he disclosed his apprehensions to the commander-in-chief.

HAMILTON TO WASHINGTON

Philadelphia, Feb. 7, 1783.

SIR,

Flattering myself that your knowledge of me will induce you to receive the observations I make as dictated by a regard to the public good, I take the liberty to suggest to you my ideas on some matters of delicacy and importance. I view the present juncture as a very interesting one. I need not observe how far the temper and situation of the army make it so. The state of our finances was perhaps never more critical. I am under injunctions which will not permit me to disclose some facts that would at once demonstrate this position, but I think it probable you will be possessed of them through another channel.* It is however certain that there has scarcely been a period of the revolution which called more for wisdom and decision in congress. Unfortunately for us, we are a body not governed by reason or foresight, but by circumstances. It is probable we shall not take the proper measures; and if we do not, a few months may open an embarrassing scene. This will be the case, whether we have peace or a continuance of the war.

If the war continues, it would seem that the army must in June subsist itself to *defend the country;* if peace should take place, it *will* subsist itself to *procure justice to itself.* It appears to be a prevailing opinion in the army, that the disposition to recompense their services will cease with the necessity for them, and that if they once lay down their arms, they part with the means of obtaining justice.

It is to be lamented that appearances afford too much ground for their distrust.

* Probably from the superintendent of finance.

It becomes a serious inquiry, What is the true line of policy? The claims of the army, urged with moderation, but with firmness, may operate on those weak minds which are influenced by their apprehensions more than by their judgments, so as to produce a concurrence in the measures which the exigencies of affairs demand. They may add weight to the applications of congress to the several states. So far a useful turn may be given to them. But the difficulty will be to keep a *complaining* and *suffering army* within the bounds of moderation.

This your excellency's influence must effect. In order to it, it will be advisable not to discountenance their endeavours to procure redress, but rather, by the intervention of confidential and prudent persons, to *take the direction of them.* This, however, must not appear. It is of moment to the public tranquillity that your excellency should preserve the confidence of the army, without losing that of the people. This will enable you in case of extremity to guide the torrent, and to bring order, perhaps even good, out of confusion. 'Tis a part that requires address, but 'tis one which your own situation as well as the welfare of the community points out.

I will not conceal from your excellency a truth which it is necessary you should know. An idea is propagated in the army, that delicacy carried to an extreme prevents your espousing its interests with sufficient warmth. The falsehood of this opinion no one can be better acquainted with than myself; but it is not the less mischievous for being false. Its tendency is to impair that influence which you may exert with advantage, should any commotions unhappily ensue, to moderate the pretensions of the army, and make their conduct correspond with their duty.

The great *desideratum* at present is the establishment of general funds, which alone can do justice to the creditors of the United States, (of whom the army forms the

most meritorious class,) restore public credit, and supply the future wants of government. This is the object of all men of sense; in this the influence of the army, properly directed, may co-operate.

The intimations I have thrown out, will suffice to give your excellency a proper conception of my sentiments: you will judge of their reasonableness or fallacy; but I persuade myself you will do justice to my motives.

General Knox has the confidence of the army, and is a man of sense; I think he may be safely made use of. Situated as I am, your exellency will feel the confidential nature of these observations.

A few days after writing this letter,* Hamilton proposed a resolution, which was passed, that "the commander-in-chief be informed that congress are always happy to receive his sentiments on the political and military affairs of these states, the utility of which they have on so many occasions experienced." It also stated "the probability of peace," and directed the secretary of foreign affairs "to make a confidential communication to him of the state of the negotiations for peace when the last advices were received."

The day after the date of this letter, the discussion of the mode of ascertaining the quotas of the states was resumed. Various propositions were made, at different times, until the seventeenth of February, when a plan was adopted, five members dissenting.†

By this plan, the legislature of each state was required to take the most effectual measures to obtain a just and accurate account of the quantity of its land granted or surveyed, of the number of buildings, distinguishing dwellings from others, and of the number of white and black inhabitants. These returns were to be examined by a

* Feb. 20. † Hamilton, Madison, Carroll, Floyd, Lee.

grand committee of congress, nine of whom concurring, were to make an estimate of the value of the granted or surveyed lands, and of the buildings or improvements, to be approved or rejected by that body. This estimate was to be the rule of apportioning among the states the quotas to be paid into the continental treasury, and also of adjusting all accounts between the United States and the individual states for previous supplies.

As this rule, if strictly adhered to, would charge the states, which had been the theatres of war, for past supplies according to their future ability, when in an entire condition, and might operate very unequally upon New-York, it has been seen that Hamilton embraced in his resolution, for an eventual valuation, a recommendation that the states should vest congress with a power of making equitable abatements in favour of such as had been more immediate sufferers by the war.

This motion was in accordance with a recommendation of the previous congress, that in a final settlement of the expenses of the war to be borne by each state, they should be authorized to assume and adopt such principles, as from the particular circumstances of the several states at different periods might appear just and equitable. It was committed, but as Virginia had disagreed to that recommendation, a committee reported against it. Hamilton subsequently again brought forward this proposition in a different form. It was a declaratory resolution by congress that they would make such abatements.

Though admitted to be within the spirit of the confederation, a postponement was moved; but with a view to defeat it, it was considered and rejected.*

* In vol. 1, page 362, Madison Papers, Madison represents himself as being in favour of "the abatements proposed by Hamilton"—and in page 418, as offering an amendment to Hamilton's resolution, for which his reasons are

The importance of this question to the interests of the community he represented, and the course which he had taken in reference to it, induced Hamilton to address a letter* to the governor of New-York.

"I enclose," he said, "for the information of the legislature, the proceedings upon it in different stages, by which they will see the part I have acted. But as I was ultimately left in a small minority, I think it my duty to explain the motives upon which my opposition to the general sense of the house was grounded. I am of opinion, that the article of confederation itself was ill-judged. In the first place, I do not believe there is any general representative of the wealth of a nation, the criterion of its ability to pay taxes. There are only two that can be thought of—*land* and *numbers*. The revenues of the United Provinces, general and particular, were computed before the present war at more than half as much as those of Great Britain. The extent of their territory is not one fourth part as great; their population, less than a third.

"The comparison is still more striking between those provinces and the Swiss cantons, in both of which, extent of territory and population are nearly the same; and yet, the revenues of the former are five times as large as those of the latter; nor could any efforts of taxation bring them to any thing like a level.

"In both cases, the advantages for agriculture are superior in those countries which afford least revenue in proportion. I have selected these examples because they are most familiar; but whoever will extend the comparison between the different nations of the world, will perceive that the position I have laid down is supported by universal experience.

stated. On the 4th of March, he voted, in common with all the other Virginia members, first to postpone the consideration of this resolution, and then to reject it.—4 J. C. 170.

* February 24, 1783.

"The truth is, the ability of a country to pay taxes, depends on infinite combinations of physical and moral causes, which can never be accommodated to any general rule; climate, soil, productions, advantages for navigation, government, genius of the people, progress of arts, and industry, and an endless variety of circumstances. The diversities are sufficiently great in these states to make an infinite difference in their relative wealth, the proportion of which can never be found by any common measure whatever.

"The only possible way, then, of making them contribute to the general expense in an equal proportion to their means, is by *general taxes imposed under Continental authority.*

"In this mode, there would no doubt be inequalities, and for a considerable time material ones; but experience, and the constant operation of a general interest, which, by the very collision of particular interests, must in the main prevail in a continental deliberative body, would at length correct those inequalities, and balance one tax that should bear hard upon one state, by another that should have a proportional weight in others. This idea, however, was not at the period of framing the confederation, and is not yet agreeable to the spirit of the times. To futurity we must leave the discovery how far this spirit is wise or foolish. One thing only is now certain, that congress, having the discretionary power of determining the quantum of money to be paid into the general treasury towards defraying the common expenses, have, in effect, the constitutional power of general taxation. The restraints upon the exercise of this power amount to the perpetuating a rule for fixing the proportions, which must of necessity produce inequality, and by refusing the fœderal government a power of specific taxation and of collection, without substituting any other adequate means of coercion, do in fact leave the compliance with Continental requisitions to the good-will of the respective states. Inequality is inherent in the

theory of the Confederation; and in the practice, that inequality must increase in proportion to the honesty or dishonesty of the component parts. This vice will either in its consequences reform the fœderal constitution, or dissolve it.

"If a general standard must be fixed, *numbers* were preferable to land. Modes might be devised to ascertain the former with tolerable precision; but I am persuaded, the experiment will prove that the value of all the land, in each state, cannot be ascertained with any thing like exactness. Both these measures have the common disadvantage of being no equal representative of the wealth of the people; but one is much more simple, definite, and certain than the other.

"I have indulged myself in these remarks, to show that I have little expectation of success from any mode of carrying the article in question into execution upon equitable principles. I owe it, however, to myself to declare, that my opposition did not arise from this source. The Confederation has pointed out this mode, and though I would heartily join in a *representation* of the difficulties (of which every man of sense must be sensible on examination) that occur in the execution of the plan, to induce the states to consent to a change; yet as this was not the disposition of a majority of congress, I would have assented to any mode of attempting it, which was not either obviously mischievous or impracticable.

"The first plan proposed, as your excellency will see, was an actual valuation of each state by itself. This was evidently making the interested party judge in his own cause. Those who have seen the operation of this principle between the counties in the same state, and the districts in the same county, cannot doubt a moment that the valuations on this plan would have been altogether unequal and unjust. Without supposing more liberality in one state than another, the degree of care, judgment, and

method, employed in the execution, would alone make extreme differences in the results.

"This mode had also the further inconvenience of awakening all the jealousies of the several states against each other. Each would suspect that its neighbour had favoured itself, whether the partiality appeared or not. It would be impossible to silence these distrusts, and to make the states sit down satisfied with the justice of each other. Every new requisition for money, would be a new signal for discussion and clamour, and the seeds of disunion, already sown too thick, would be not a little multiplied.

"To guard against these evils, the plan proposes a revision by congress; but it is easy to be seen, that such a power could not be exercised. Should any states return defective valuations, it would be difficult to find sufficient evidence to determine them such; to alter would not be admissible, for congress could have no data which could be presumed equivalent to those which must have governed the judgment of commissioners under oath, on an actual view of the premises. To do either this, or to reject, would be an impeachment of the honour of the states, which it is not probable there would be decision enough to hazard, and which, if done, could not fail to excite serious disgusts. There is a wide difference between a single state exercising such a power over its own counties, and a confederated government exercising it over sovereign states which compose the confederacy. It might also happen, that too many states would be interested in the defective valuations, to leave a sufficient number willing either to alter or to reject. These considerations prevailed to prevent the plan being adopted by a majority.

"The last plan may be less mischievous than the first, but it appears to me altogether ineffectual. The mere quantity of land granted and surveyed, with the general species of buildings upon them, can certainly be no criteria to

determine their value. The plan does not even distinguish the improved from the unimproved land, the qualities of soil, or degrees of improvement; the qualities of the houses and other buildings are entirely omitted. These, it seems, are to be judged of by the commissioners to be appointed by each state; but I am unable to conceive how any commissioner can form the least estimate of these circumstances with respect even to his own state, much less with respect to other states, which would be necessary to establish a just relative value. If even there was a distinction of improved from unimproved land, by supposing an intrinsic value in the land, and adopting general rates, something nearer the truth might be attained; but it must now be all conjecture and uncertainty.

"The number of inhabitants, distinguishing white from black, is called for. This is not only totally foreign to the confederation, but can answer no reasonable purpose. It has been said that the proportion of numbers may guide and correct the estimates; an assertion purely verbal, and which has no meaning. A judgment must first be formed of the value of the lands upon some principle. If this should be altered by the proportion of numbers, it is plain, numbers would be substituted to land.

"Another objection to this plan is, that it lets in the particular interests of the states, to operate in the returns of the quantities of land, number of buildings, and number of inhabitants. But the principle of this objection applies less forcibly here, than against the former plan.

"Whoever will consider the plain import of the eighth article of the confederation, must be convinced that it intended an *actual* and *specific* valuation of land, buildings, and improvements—not a mere *general estimate*, according to the present plan. While we insist, therefore, upon adhering to the confederation, we should do it in reality, not barely in appearance.

"Many of those who voted for this scheme, had as bad an opinion of it as myself, but they were induced to accede to it by a persuasion that some plan for the purpose was expected by the states; and that none better, in the present circumstances of the country, could be fallen upon.

"A leading rule which I have laid down for the direction of my conduct, is this:—that while I would have a just deference for the expectations of the states, I would never consent to amuse them by attempts which must either fail in the execution, or be productive of evil. I would rather incur the negative inconveniences of delay, than the positive mischiefs of injudicious expedients. A contrary conduct serves to destroy confidence in the government, the greatest misfortune that can befall a nation. There should, in my opinion, be a character of wisdom and efficiency in all the measures of the fœderal council, the opposite of a spirit of temporizing concession. I would have sufficient reliance on the judgments of the several states, to hope that good reasons for not attempting a thing, would be more satisfactory to them than precipitate and fruitless attempts.

"My idea is, that taking it for granted the states will expect an experiment on the principle of the confederation, the best plan* will be to make it by commissioners, appointed by congress and acting under their authority.

* In 1 Mad. 318, Madison observes—"Mr. Hamilton concurred in" (his) "views, and wished the valuation to be taken up, *in order* that its *impracticability* and *futility* might *become manifest*." This statement is at variance with these facts. It has been seen that on the 6th January, 1783, Hamilton offered a resolution for "*an eventual valuation*." Here again, he urges an adherence to the confederation, as intending "an *actual* and *specific valuation*;" and in notes for a speech, endorsed on a letter from Clinton, respecting Vermont, he says—"We are not to suppose that those who made the confederation, did not consider various plans."—"The states do not pay taxes, because we do not proceed according to the confederation."—"*Go according to confederation*."

Congress might, in the first instance, appoint three or more of the principal characters in each state for probity and abilities, with a power to nominate other commissioners under them in each subdivision of the state. General principles might be laid down for the regulation of their conduct, by which uniformity in the manner of conducting the business would obtain. Sanctions of such solemnity might be prescribed, and such notoriety given to every part of the transaction, that the commissioners could neither be careless nor partial without a sacrifice of reputation.

"To carry this plan, however, into effect with sufficient care and accuracy, would be a work both of time and expense; and, unfortunately, we are so pressed to find money for calls of immediate necessity, that we could not at present undertake a measure which would require so large a sum.

"To me it appears evident, that every part of a business which is of so important and universal concern, should be transacted on uniform principles, and under the direction of that body which has a common interest. In general, I regard the present moment, probably the dawn of peace, as peculiarly critical; and the measures which it shall produce, as of great importance to the future welfare of these states. I am, therefore, scrupulously cautious of assenting to such as appear to me founded on false principles.

"Your excellency will observe that the valuation of the lands is to be the standard for adjusting the accounts for past supplies, between the United States and the particular states. This, if adhered to without allowance for the circumstances of those states which have been more immediately the theatre of the war, will charge our state for the past according to its *future ability*, when in an entire condition, if the valuation should be made after we regain possession of the parts of the state now in the power of

the enemy. I have, therefore, introduced a motion for repeating the call in a more earnest manner upon the states to vest congress with a power of making equitable abatements, agreeably to the spirit of the resolution of the twentieth of February last, which few of the states have complied with. This motion has been committed. I know not what will be its fate.

"Notwithstanding the opposition I have given, now the matter has been decided in congress, I hope the state will cheerfully comply with what is required. Unless each state is governed by this principle, there is an end of he union. Every state will no doubt have a right, in this case, to accompany its compliance with such remarks as it may think proper.

"After the plan was agreed upon, it was committed to be put into form; and when reported, instead of commissioners, an alteration was carried for making the estimate by a grand committee."

"February twenty-seventh.—Mr. Morris has signified to congress his resolution to resign by the first of June, if adequate funds are not by that time provided. This will be a severe stroke to our affairs. No man fit for the office will be willing to supply his place for the very reasons he resigns. 'Tis happy for us we have reason to expect a peace. I am sorry that by different accounts it appears not to have been concluded late in December."

While this subject was under consideration, the question of providing for the public debt was again brought forward. The temper of congress led Hamilton to doubt whether its policy would be such as the interests of the nation demanded. He believed that the influence of public opinion might be beneficially exerted, and he resolved to endeavour to cause it to be felt.

It is known that the deliberations of the congress of the confederation were secret. During the earlier periods of

the revolution, this precaution in an assembly exercising not only legislative but executive powers, was absolutely necessary. But this necessity was felt by discerning men not to be the least of the evils attending a government by a single body. The salutary control of public sentiment was not felt, intrigues often prevailed over the maturest counsels, and the highest talent mourned the absence of that great support—the warm sympathies of the people. Obvious as the consequences of this secrecy were, no attempt had been made, during all the long period of the revolution, to break through it.

It remained for Hamilton to make the first effort in favour of open debate. He saw the congress sinking rapidly in public esteem, its recommendations disregarded, its resolves disobeyed, its counsels misrepresented; the fears of the timid, stimulated by the arts of the factious, viewing it as the theatre of cabals, hostile to liberty, when in fact, the jealousies of particular states prevented the exercise of those powers which were essential to the chief object of its institution—the common defence. He saw these influences at this moment unusually active, while the clamours of the public creditors and of the army were heard at their doors demanding an audience.

He had resorted in vain to private solicitation; in vain had he exerted all the powers of eloquent persuasion to induce a compliance with their just demands. The stern prejudices of New-Hampshire could not be overcome; Connecticut was not to be soothed. By those states it was intended that a most solemn pledge for a most sacred debt; the price of their independence, should be deliberately violated.

On the eighteenth of February, the day appointed to consider the proposition to raise substantial funds, a call, which Hamilton seconded, for an estimate of the principal of the liquidated and unliquidated debt, was followed by

a motion, in pursuance of instructions from Connecticut, asking an account of the names and titles of all civil and diplomatic officers, and a statement of the amount of all grants for the pay, half-pay, and gratuities, for their past services.

Hamilton felt that the honour of the nation was at stake, and that it was a question for the nation to decide. He proposed the following resolution:—"Whereas, it is the desire of congress that the motives of their deliberations and measures, (as far as they can be disclosed consistently with the public safety,) should be fully known to their constituents—therefore, resolved, That when the establishment of funds for paying the principal and interest of the public debt shall be under the consideration of this house, the doors shall be opened."

This resolution was postponed almost without a reply, for the only answer given to so important a proposition, was the remark of the delegate from Rhode Island, as to whom he had reported a vote of censure, "that if the member wishes to display his eloquence, he should address the people from the balcony."

Immediately after the defeat of this proposal, a report was made to the house by the grand committee, which contained a modification of Hamilton's resolution so as to declare the necessity of permanent and adequate funds, but omitted the provision that they should be collected by congress. In this form it passed by the votes of seven states, and, on the twenty-first of February, was referred to a special committee.*

Congress now† resumed the consideration of the claims of the officers. The committee of which Hamilton was a member, reported that the officers then in service, and who should continue until the end of the war, should

* Fitzsimmons, Gorham, Hamilton, Madison, Rutledge. † Feb. 25.

receive in commutation of their half-pay, full pay for —— years, either in money, or securities at interest, giving to the lines of the respective states, and not to the individual officers, the option of accepting such commutation. This provision was extended to all officers who had retired on a promise of half-pay, and to the widows of such as should die in the service.

A motion was made to postpone this report, with a view to substitute a provision by the states, which was rejected.* Hamilton then moved to fill the blank with five and a half years' pay, as nearer to an equivalent of full pay, on the valuations of lives; but this motion failed, and the commutation was established at five years' full pay. The subject was resumed, and on the 28th of February seven states voted in favour of it. It being a question which required, by the confederation, the concurrence of nine states, the provision was not made.

Soon after this vote, Hamilton received a reply to his letter to Washington, in which will be perceived the concurrence of the commander-in-chief in the views he had suggested as to the course to be pursued, though Washington appears not to have entertained equal apprehensions of the impending commotions in the army.

Newburgh, 4th March, 1783.†

"DEAR SIR,

I have received your favor of February—and I thank you for the information and observations it has conveyed to me.—I shall always think myself obliged by a free communication of sentiments, and have often thought, (but suppose I thought wrong, as it did not accord with the practice of congress,) that the public interest might be

* All of the New England members, one from New Jersey, and one from Virginia, supported this proposition.

† The letters of W. to H. are exact copies of those received by H., differing a little from the drafts by W. Both are in his autograph.

benefited, if the commander-in-chief of the army was let more into the political and pecuniary state of our affairs than he is. Enterprises and the adoption of military and other arrangements that might be exceedingly proper in some circumstances, would be altogether improper in others.

It follows then by fair deduction, that where there is a want of information, there must be chance-medley; and a man may be upon the brink of a precipice before he is aware of his danger, when a little foreknowledge might enable him to avoid it. But this by the by.

The hint contained in your letter, and the knowledge I have derived from the public gazettes, respecting the non-payment of taxes, contain all the information I have received of the danger that stares us in the face on acc't of our funds; and so far was I from conceiving that our finances was in so deplorable a state, *at this time*, that I had imbibed ideas from some source of information or another, that with the prospect of a loan from Holland we should be able to rub along yet a little further. To you who have seen the danger to which the army has been exposed to a political dissolution for want of subsistence, and the unhappy spirit of licentiousness which it imbibed by becoming in one or two instances its own proveditors, no observations are necessary to evince the fatal tendency of such a measure; but I shall give it as my opinion, that it would at this day be productive of civil commotions and end in blood.—Unhappy situation this! God forbid we should be involved in it.

The predicament in which I stand, as citizen & soldier, is as critical and delicate as can well be conceived. It has been the subject of many contemplative hours.

The sufferings of a complaining army on one hand, and the inability of congress and tardiness of the states on the other, are the forebodings of evil, and may be productive of events which are more to be deprecated than prevent-

ed; but I am not without hope, if there is such a disposition shown as prudence and policy dictates to do justice, your apprehensions in case of peace are greater than there is cause for. In this, however, I may be mistaken, if those ideas which you have been informed are propagating in the army should be extensive, the source of which may be easily traced, as the old levin, *it is said,* for I have no proof of it, is again beginning to work, under the mask of the most perfect dissimulation and apparent cordiallity.

Be these things as they may, I shall pursue the same steady line of conduct which has governed me hitherto, fully convinced that the sensible and discerning part of the army cannot be unacquainted (altho I never took pains to inform them) of the services I have rendered it on more occasions than one. This, and pursuing the suggestions of your letter, which I am happy to find coincides with my own practice for several months past, and which was the means of diverting the business of the army into the channel it now is, leaves me under no *great* apprehension of its exceeding the bounds of reason and moderation; notwithstanding, the prevailing sentiment in the army is, that the prospect of compensation for past services will terminate with the war.

The just claims of the army ought, and it is to be hoped will have their weight with every sensible legislature in the union, if congress point to their demands, show (if the case is so) the reasonableness of them, and the impracticability of complying without their aid. In any other point of view it would in my opinion be impolitic to introduce the army on the Tapis, lest it should excite jealousy and bring on its concomitants. The states cannot, surely, be so devoid of common sense, common honesty, and common policy, as to refuse their aid on a full, clear, and candid representation of facts from congress, more especially if these should be enforced by members of their

own body, who might demonstrate what the inevitable consequences of failure must lead to. In my opinion, it is worthy of consideration how far an adjournment of congress for a few months is advisable.—The delegates, in that case, if they are in unison themselves respecting the great defects of their Constitution, may represent them fully and boldly to their Constituents. To me, who know nothing of the business before congress, nor of the arcanum, it appears that such a measure would tend to promote the public weal; for it is clearly my opinion, unless Congress have powers competent to all *general* purposes, that the distresses we have encountered, the expenses we have incurred, and the blood we have spilt in the course of an Eight years' war, will avail us nothing.—The contents of your letter is known only to myself and your prudence will direct what should be done with this.

With great esteem and regard."

On the day after the date of this letter, Hamilton wrote to Washington, suggesting a plan, through a confidential person, for arresting two men of the name of Knowlton and Wells, residents of Vermont, charged with being in correspondence with the enemy. A surmise that the vote for their detection had been communicated to them by a member of congress, added to the motives for their arrest. A resolution was afterwards passed, requesting the executives of the states of New-Hampshire, Massachusetts, Connecticut, and New-York, to take measures to bring to trial the persons charged with these treasonable practices.

The deputation from the army, after an attendance on congress of nearly two months, informed it, "that nothing of any moment had been decided for them." Their letter reached the camp at the same time with the information that preliminary articles of peace had been concluded. This intelligence, hailed with delight throughout the coun-

try, gave to the army a keener sense of injury. Peace, which their valour had won, they believed would dissipate all prospect of the adjustment of their demands. Under this impression, their discontents, which had been a long time increasing, broke forth; and at this moment of dangerous excitement, the event which Hamilton had anticipated in the preceding letter occurred.

On the tenth of March, an anonymous notice was circulated, calling a meeting of the general and field-officers and of a commissioned officer of each company, on the following day, "to consider what measures, if any, should be taken to obtain that redress of grievances which they seem to have solicited in vain."

At the same moment another paper without a signature was clandestinely circulated, addressed to the angered feelings of the officers.

After remarking that "he had till lately, very lately, believed in the justice of his country," the writer appealed to the resentment of the army, and asked—Is it "a country willing to redress your wrongs, cherish your worth, and reward your services? Is this the case? Or is it rather a country that tramples upon your rights, disdains your cries, and insults your distresses? If this be then your treatment while the SWORDS you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division?—when those very SWORDS, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left, but your wants, infirmities, and scars?"—"If your spirits should revolt at this; if you have sense enough to discover and spirit sufficient to oppose TYRANNY, whatever garb it may assume, —if you have yet learned to discriminate between a *people* and a *cause*, between *men* and *principles*—awake, at-

tend to your situation, and *redress yourselves!* If the present moment be lost, every future effort is in vain, and your *threats* then, will be as empty as your entreaties now. I would advise you, therefore, to come to some final opinion upon what you can bear and what you can suffer. If your determination be in any proportion to your wrongs, carry your appeal from the JUSTICE to the FEARS of government—change the milk-and-water style of your last memorial—assume a bolder tone, decent, but lively, spirited, and determined; and—*suspect the Man, who would advise to more moderation and longer forbearance.*" "That in any political event, the army has its alternative—if peace, that nothing shall separate them from their arms but death; if war, that, courting the auspices and inviting the direction of their illustrious leader, they will retire to some unsettled country, smile in their turn, and "mock when their fear cometh on." "But were their requests complied with—in war, they would follow the standard of congress to the field; and when it came to an end, would withdraw into the shade, and give the world another subject of wonder and applause—an army, victorious over its enemies, victorious over itself."

To prevent any intemperate or dangerous resolutions being taken at this perilous moment, while their passions were all inflamed, Washington the following morning issued a general order disapproving "these disorderly proceedings," and convening the officers on the 15th of March, to exercise a "mature deliberation."

The evening of the day on which this order was issued, a second anonymous address was circulated. In this paper, after urging that "suspicion, detestable as it is in private life, is the loveliest trait of political characters," the writer artfully suggests that the general order of Washington ought to be deemed an approval of his previous address, "as giving system to their proceedings and

stability to their resolves, and furnishing a new motive for that *energy* which had been recommended."

This insidious attempt to keep alive the irritation of the army, and prepare them for violent measures, it required all the address and the influence of the commander-in-chief to parry. He at this moment unbosomed himself to Hamilton, indicating that he had adopted the wise course policy suggested, that "of taking the direction of the measures to procure redress."

Newburgh, 12th March, 1783.

DEAR SIR,

When I wrote to you last, we were in a state of tranquillity, but after the arrival of a certain gentleman, who shall be nameless at present, from Philadelphia, a storm very suddenly arose, with unfavorable prognostics, which, though diverted for a moment, is not yet blewn over, nor is it in my power to point to the issue. The Papers which I send officially to Congress, will supersede the necessity of my remarking on the tendency of them. The notification and Address both appeared at the same instant, on the day preceding the intended meeting. The first of these I got hold of the same afternoon—the other, not till next morning.

There is something very misterious in this business. It appears, reports have been propagated in Philadelphia, that dangerous combinations were forming in the Army, and this at a time when there was not a Syllable of the kind in agitation in Camp.

It also appears, that upon the arrival in Camp of the gentleman above alluded to, such sentiments as these were immediately circulated:—That it was universally expected the army would not disband until they had obtained justice. That the public creditors looked up to them for redress of their own grievances, w-d afford them every

aid, and even join them in the Field, if necessary; That some members of congress wished the measure might take effect, in order to compel the public, particularly the delinquent states, to do justice; with many other suggestions of a similar nature.

From this, and a variety of other considerations, it is firmly believed by *some*, the scheme was not only planned but also digested and matured at Philadelphia; by others, that it is the illegitimate offspring of a person in the army; but my own opinion shall be suspended till I have better ground to found one on. The matter was managed with great art; for as soon as the minds of the officers were thought to be prepared for the transaction, the anonymous invitations and address to the officers were put in circulation, through every State line in the army. I was obliged, therefore, in order to arrest on the spot the feet that stood wavering on a tremendous precipice, to prevent the officers from being taken by surprise, while the passions were all inflamed, and to rescue them from plunging themselves into a gulph of civil horror from which there might be no receding, to issue the order of the eleventh. This was done upon the principle that it is easier to divert from a wrong, and point to a right path, than it is to recall the hasty and fatal steps which have been already taken.

It is commonly supposed, if the Officers had met agreeably to the anonymous summons, with their feelings all alive, resolutions might have been formed, the consequences of which may be more easily conceived than described. Now they will have leizure to view the matter more calmly, and will act more seriously. It is to be hoped they will be induced to adopt more rational measures, and wait a while longer for a settlement of their acc'ts, the postponing of which, appears to be the most plaûsible, and almost the only article of which designing

men can make an improper use, by insinuating (which they really do) that it is done with the design that Peace may take place, and prevent any adjustment of acc'ts which say they would inevitably be the case if the war were to cease to-morrow; or supposing the best, you would have to dance attendance at public offices at great distances, perhaps, and equally great expences to obtain a settlement which would be highly injurious, nay, ruinous to you.

This is their language. Let me beseech you therefore, my good sir, to urge this matter earnestly, and without further delay. The situation of these gentlemen, I do verily believe is distressing beyond description. It is affirmed to me, that a large part of them have no better prospect before them than a goal, if they are turned loose without liquidation of acc'ts, and an assurance of that justice to which they are so worthily entitled. To prevail on the Delegates of those States through whose means these difficulties occur, it may, in my opinion, with propriety be suggested to them, if any disasterrous consequences should follow by reason of their delinquency, that they must be answerable to God and their country for the ineffable horrors which may be occasioned thereby.

P. S.—I am this instant informed that a second address to the officers, distinguished No. 2, is thrown into circulation. The Contents evidently prove, that the author is in or near camp, and that the following words, erazed on the second page of this Letter, ought not to have met with this treatment, viz.: "By others, it is the illegitimate offspring of a person in the army."

On the receipt of this communication, Hamilton replied, giving a lively exhibition of his feelings and of the public affairs.

Philadelphia, March 17th, 1783.

SIR,

I am duly honoured with your excellency's letters of the fourth and twelfth instant. It is much to be regretted, though not to be wondered at, that steps of so inflammatory a tendency have been taken in the army. Your excellency has, in my opinion, acted wisely. The best way is ever, not to attempt to stem a torrent, but to divert it.

I am happy to find you coincide in opinion with me on the conduct proper to be observed by yourself. I am persuaded more and more, it is that which is most consistent with your own reputation and the public safety. Our affairs wear a most serious aspect, as well foreign as domestic. Before this gets to hand, your excellency will probably have seen the provisional articles between Great Britain and these states. It might, at first appearance, be concluded that these will be preludes to a general peace. But there are strong reasons to doubt the truth of such a conclusion. Obstacles may arise from different quarters—from the demands of Spain and Holland, from the hope in France of greater acquisitions in the east, and perhaps still more probably, from the insincerity and duplicity of Lord Shelburne, whose politics, founded in the peculiarity of his situation, as well as the character of the man, may well be suspected of insidiousness. I am really apprehensive, if peace does not take place, that the negotiations will lead to sow distrust among the allies, and weaken the force of the common league. We have, I fear, men among us, and men in trust, who have a hankering after *British connection*. We have others, whose *confidence in France savours of credulity*. The intrigues of the former, and incautiousness of the latter, may be both, though in different degrees, injurious to the Ameri-

can interest, and make it difficult for prudent men to steer a proper course.

There are delicate circumstances with respect to the late *foreign transactions*, which I am not at liberty to reveal, but which, joined to our internal disorders, follies, weaknesses, and prejudices, make this country stand upon precarious ground. Some use, perhaps, may be made of these ideas to induce moderation in the army. An opinion that this country does not stand upon a secure footing, will operate upon the patriotism of the officers against hazarding any domestic commotions. When I make these observations, I cannot forbear adding, that if no excesses take place, I shall not be sorry that ill humours have appeared. I shall not regret importunity, if temperate, from the army.

There are good resolutions in the majority of congress, but there is not sufficient wisdom or discretion. There are dangerous prejudices in the particular states, opposed to those measures which alone can give stability and prosperity to the union. There is a fatal opposition to continental views. Necessity alone can work a reform; *but how apply it*, and *how keep it within salutary bounds?* I fear we have been contending for a shadow. The affair of accounts I considered as having been put upon a satisfactory footing. The particular states have been required to settle 'till the first of August, '80, and the superintendent of finance has been directed to take measures for settling since that period. I shall immediately see him on the subject. We have had eight states and a half in favour of a commmutation of the half-pay, for an average of five years' purchase; that is, five years' full pay, instead of half-pay for life; which, on a calculation of annuities, is nearly an equivalent. I hope this will now shortly take place. We have made considerable progress in a plan, to be recommended to the several states, for funding all of

the public debts, including those of the army; which is certainly the only way to restore public credit, and enable us to continue the war, by borrowing abroad, if it should be necessary to continue it.

I omitted mentioning to your excellency, that from European intelligence, there is great reason to believe at all events, peace or war, New-York will be evacuated in the spring. It will be a pity if any domestic disturbance should change the plans of the British court.

P. S.—Your excellency mentions, that it has been surmised the plan in agitation was formed in Philadelphia; that combinations have been talked of between the public creditors and the army, and that members of congress had encouraged the idea. This is partly true. I have myself urged in congress the propriety of uniting the influence of the public creditors, and the army as a part of them, to prevail upon the states to enter into their views. I have expressed the same sentiments out of doors. Several other members of congress have done the same. The meaning, however, of all this was, simply that congress should adopt such a plan as would embrace the relief of all the public creditors, including the army, in order that the personal influence of some, the connections of others, and a sense of justice to the army, as well as the apprehension of ill consequences, might form a mass of influence in each state in favour of the measures of congress. In this view, as I mentioned to your excellency in a former letter, I thought the discontents of the army might be turned to a good account. I am still of opinion that their earnest but respectful applications for redress will have a good effect. As to any combination of *force*, it would only be productive of the horrors of a civil war, might end in the ruin of the country, and would certainly end in the ruin of the army."

The officers assembled on the appointed day, and Gates, the second in command, whose intrigues were suspected, was called to preside. They met in an humble school-house, on an acclivity that rises from the Hudson, yet bound in fetters—for winter still maintained her sway among the mountains, which overcast the scene with their long and gloomy shadows.

All around them was rugged and drear, in unison with the stern and indignant sense of unrewarded sacrifices, broken faith, and baffled hopes, which lowered over their countenances.

Washington, who had never been greeted but with affection, was received with cold and calm respect. It appeared as though sedition had felt it necessary to commence her secret work by engendering suspicions against the Father of his country!—He arose: he felt the estrangement—he paused, and he doubted of the issue. As he uncovered his venerated head, and was about to address them from a written paper in his hand, his eye grew dim, and he uttered this pathetic, unpremeditated remark:—"Fellow-soldiers, you perceive I have not only grown gray, but blind in your service." After commenting on the impropriety of the anonymous papers, addressed more to the feelings and passions, than to the reason and judgment of the army, he repelled the insidious imputation on himself:—"The author of the piece should have had more charity than to *mark for suspicion* the *man* who should recommend moderation and longer forbearance, or, in other words, should not think as he thinks, and act as he advises. But he had another plan in view, in which candour and liberality of sentiment have no part, and he was right to *insinuate* the darkest suspicions to effect the *blackest* designs. . . . . 'But how,' after indicating the object of these addresses, 'but how are the interests of the army to be promoted? The way is plain,' says the writer,—'If,

war continues, remove into the unsettled country; there establish yourselves, and leave an ungrateful country to defend itself.' But whom are they to defend? Our wives, our children, our farms and other property, which we leave behind us? Or in the state of hostile separation, are we to take the two first, (the latter cannot be removed,) to perish in a wilderness with hunger, cold, and nakedness? If peace takes place, 'never sheathe your swords,' says he, 'until you have obtained full and ample justice.' This dreadful alternative, of either deserting our country in the extremest hour of her distress, or *turning our arms against it*, which is the apparent object, unless congress can be compelled into instant compliance, has something so *shocking* in it that *humanity revolts at the idea. My God!* what can this writer have in view, by recommending such measures? Can he be a friend to the army? Can he be a friend to the country? Rather, is he not an insidious foe? some emissary, perhaps, from New-York, plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent?"

Recurring to the insidious imputation which he felt was levelled directly at himself, he remarked—"With respect to the advice given by the author, '*to suspect* the man who shall recommend moderation and longer forbearance,' *I spurn at it*, as every man who regards that liberty and reveres that justice for which we contend, undoubtedly must." After this strong avowal of his contempt for this attack upon himself, and after renewing the pledge of his exertions in their behalf, he concluded:—"Let me conjure you, in the name of our common country, as you value your own sacred honour, as you respect the sacred rights of humanity, and as you regard the military and national character of America, to express your *utmost horror* and *detestation* of the man who wishes, under any specious pretences, to *overturn the liberties of our country, and who wickedly at-*

tempts to open the flood-gates of civil discord and deluge our rising empire with blood!"

Awed by the majesty of his virtue, and touched with his interest in their sufferings, every soldier's eye was filled with a generous tear; they reproved themselves for having doubted him who had never deceived them; they forgot their wrongs, in the love of their country and of their chief. Their first act was to reciprocate thanks for the affection he had shown them; their next, to declare "their unshaken confidence in the justice of congress and their country," and their "abhorrence and disdain" at the infamous propositions contained in the late address and machinations of designing men, "to sow discord between the civil and military powers of the United States."

The conjecture in the erased paragraph of Washington's letter to Hamilton, fell upon a person at that time in the family of General Gates; but though public opinion had fixed the address upon him, its source was not for a long time acknowledged.

It was at last publicly avowed by Major John Armstrong, then the aid-de-camp and instrument of Gates, accompanied with a vindication of his motives.* In this publication, the extract of a letter from Gates to Armstrong is given, in which he says—"As Gordon is an old friend and an honest man, I have answered him frankly, that the letters were written in my quarters by you, copied by Richmond and circulated by Barker, and were intended to produce a strong remonstrance to congress in favour of the object prayed for in a former one, and that the conjecture that it was meant to offer the crown to Cæsar,†

* Subsequently appointed by Jefferson minister to France, and secretary at war by Madison.

† In May, 1782, Colonel Nicola wrote to Washington suggesting the introduction of a monarchy, and was indignantly rebuked. In a note upon this correspondence, 8 Washington's Writings, 302, this comment is found:—

was without any foundation." Thus is confirmed the suspicion alluded to by Washington, that "the old leaven was at work."

Gates is exhibited in the extraordinary position of presiding at the meeting of officers, and signing resolutions which denounced, "as a machination of designing men to sow discord between the civil and military powers of the United States," a production written in his own quarters, by his own aid, and with every step in the progress whereof to publicity he was familiar—a procedure he described as merely "intended to produce a strong remonstrance to congress" in behalf of the army.

Upon the reception of the intelligence from head-quarters of the conclusion of this affair, Colonel Hamilton introduced a report, which was adopted, paying a just tribute to Washington and the officers. "That congress consider the conduct of the commander-in-chief on the occasion of some late attempts to create disturbances in the army, as a new proof of his prudence and zealous attention to the welfare of the community; that he be informed that congress also entertain a high sense of the patriotic sentiments expressed by the officers in their proceedings, which evince their unshaken perseverance in those principles

"There was *unquestionably* at this time, and for some time afterwards, a party in the army, neither small in number nor insignificant in character, prepared to second and sustain a measure of this kind, which they conceived necessary to strengthen the civil power and draw out the resources of the country, and establish a durable government." It is more probable that this letter originated in a plot to ruin Washington, of which Nicola, a weak and aged foreigner, was the ignorant instrument. No *evidence* has been met with of the existence of such a party in the army. Indeed, such a design was too preposterous to have been seriously entertained. One of the most pleasing traits of Washington's character was, his affection and confidence in the officers of the revolution. One of these was the object of his abhorrence, and that one, it will appear, entertained such opinions. But he was at this period, if not "insignificant in character," a person of little weight.

which have distinguished them in every period of the war, and have so justly entitled the troops of the United States to the esteem and gratitude of their country, and to the character of a PATRIOT ARMY."

The termination of the contest now presented to the contemplation of Hamilton many and most serious reflections as to the future condition of the confederacy. He felt all the value of Washington to his country, and thus adverted to the great part which he would be called on to perform in giving strength and durability to the Union.

"Your Excellency will, before this reaches you, have received a letter from the Marquis de La Fayette, informing you, that the preliminaries of peace, between all the belligerent powers, have been concluded. I congratulate your Excellency on this happy conclusion of your labours. It now only remains, to make solid establishments within, to PERPETUATE OUR UNION, to prevent our being a ball in the hands of European powers, bandied against each other at their pleasure; in fine, to make our independence truly a blessing. This, it is to be lamented, will be an arduous work; for, to borrow a figure from mechanics, the centrifugal is much stronger than the centripetal force in these states. The seeds of disunion are much more numerous than those of union. I will add, that your excellency's exertions are as essential to accomplish this end, as they have been to establish independence. I will, upon a future occasion, open myself upon this subject. Your conduct in the affair of the officers is highly pleasing here. The measures of the army are such as I could have wished them, and will add lustre to their character, as well as strengthen the hands of congress."

On the thirty-first of March, General Washington replied:—

"DEAR SIR,

"I have duly received your favours of the 17th and 24th ult. I rejoice most exceedingly there is an end to our warfare, and that such a field is open to our view, as will, with wisdom to direct the cultivation of it, make us a great, a respectable, and a happy people; but it must be improved by other means than state politics, and unreasonable jealousies and prejudices, or, (it requires not the second-sight to see that) we shall be instruments in the hands of our enemies, and those European powers who may be jealous of our greatness in union, to dissolve the confederation; but to attain this, although the way seems extremely plain, is not so easy. My wish to see the union of these states established upon liberal and permanent principles, and inclination to contribute my mite in pointing out the defects of the present constitution, are equally great. All my private letters have teemed with these sentiments, and wherever this topic has been the subject of conversation, I have endeavoured to diffuse and enforce them; but how far any further essay by me might be productive of the wished-for end, or appear to arrogate more than belongs to me, depends so much upon popular opinion, and the temper and disposition of people, that it is not easy to decide. I shall be obliged to you, however, for the thoughts which you have promised me on this subject, and as soon as you can make it convenient. No man in the United States is or can be more deeply impressed with the necessity of a reform in our present confederation, than myself. No man, perhaps, has felt the bad effects of it more sensibly; for to the defects thereof, and want of powers in congress, may justly be ascribed the prolongation of the war, and, consequently, the expenses occasioned by it. More than half of the perplexities I have experienced in the course of my command, and almost the whole of the difficulties and distress of the army, have

their origin here; but still, the prejudices of some, the designs of others, and the mere machinery of the majority, makes address and management necessary to give weight to opinions which are to combat the doctrines of these different classes of men in the field of politics. I would have been more full on this subject, but the bearer (in the clothing department) is waiting.

"I wish you may understand what I have written."

The friends of the army had continued to press their claims. When the former vote was taken in relation to them, Delaware was not represented. Her delegates were induced to proceed to Philadelphia, and on the tenth of March, the day upon which the seditious notice was issued at Newburgh, the report having been so amended as to omit a provision for the widows of the officers who should die in the service, the question was again taken, and eight states voted in* favor of it. A few days after this decision, intelligence was received of the alarming proceedings at Newburgh, and those whom gratitude and a sense of justice had not influenced, yielded to their fears. But at the last moment a serious difficulty arose from an apprehension of the injurious effect upon the public credit which might result from the sudden alienation, at an under value, of so large a mass of certificates, and it was proposed that they should not be transferable. The delegation from the army spurned the idea, justly asked if they were not freemen, if the balances were not their property and insisted to be placed on the same footing with every other creditor. This objection was too forcible to be answered. It prevailed, and on the twenty-second of March, nine states concurred in granting a commutation. The

* The vote of Connecticut was divided; New-Hampshire, Rhode Island, and New-Jersey, (Boudinot excepted,) voted against it.

resolution making this grant, stated that congress was desirous as well of gratifying the reasonable expectations of the officers of the army, as of removing all objections which may exist in any part of the United States to the principle of the half-pay establishment, for which the faith of the United States had been pledged; persuaded that those objections can only arise from the nature of the compensation, not from any indisposition to compensate those whose services, sacrifices, and sufferings, have so just a title to the approbation and rewards of their country.* This resolution was from the pen of Hamilton. Thus he was the instrument of accomplishing that measure which he had suggested in the formation of the military establishment; triumphing over the reluctant justice of the states, and discharging that sacred debt, his interest in which, delicacy had induced him to relinquish.†

NOTE.

The attempts of Madison, in his report of the debates of this session of the old Congress, to place Hamilton in a false light, are seen in the previous notes to this chapter. Another instance of this kind is to be remarked in his statement as to the resolution by Hamilton, ante page 360, "that it is the opinion." In p. 289 of his Debates, it is stated, "on the *motion of Mr. Madison*, the whole proposition was new-modelled, as follows: 'That it is the opinion of Congress that the establishment of permanent and adequate funds, to operate generally throughout the United States, for restoring public credit, and for providing for the future exigencies of the war,' the words 'to be collected under the authority of Congress' were, as a separate question, left to be added afterwards." What is this but a change in the collocation, and a slight alteration of the words of Hamilton's *previous* resolution? On this statement he gives a debate, exhibiting himself at full length as the principal advocate of

* The resolution granted securities for five years' full pay, bearing an interest of six per cent.; to be such as were to be given to the other public creditors. The army demands now assumed the form of a settled debt; and though the requisitions of Congress were unsuccessful, several States for a long time paid the stipulated interest.

† Previous to the discussion of the army claims, he addressed a note to the Secretary at War, renouncing his claim to half-pay.

the measure, adding "Mr. Wilson, *with whom the motion originated.*" The journals show no such resolution, either by Madison or by Wilson. The motion, as stated to have been by Hamilton, is a copy from his autograph in the State Department. The object of Madison, thus placing himself in the foreground, is defeated by recurring to the fact, that while he represents his motion as of the 28th of January, 1783, the journals show the precedence of Hamilton's in his *prior* report of the 16th December. So in p. 261 of his Debates, Madison represents Hamilton as proposing "to class the public lands" under distinctive descriptions, and to annex a *uniform rate* to the several classes; and then he states, "It was proposed by Mr. Madison that a valuation should be attempted by Congress without the intervention of the States." This is represented as happening in Grand Committee, of which, as there was no journal kept, no legislative contradiction was to be apprehended. Hamilton, it is true, proposed a classification by New York of its own lands, imposing various rates of taxation; but as to such a classification, there was in that State no constitutional interdiction. The Confederation *required* a valuation, and it is not to be believed that any member of Congress would have proposed to dispense with it, for the reason, if adopted by Congress, it would certainly have been rejected by the States, and defeated. Madison thus represents Hamilton *first* as proposing an impracticable measure; *then* he states, p. 318 Debates, "Mr. Hamilton wished the VALUATION to be taken up, in order that its impracticability and futility might become more manifest." Yet the journals show (Feb. 6th) Hamilton's previously stated motion, reciting the obligatory article of the Confederation—the VIIIth—declaring "it should be carried into effect with great care, circumspection, and impartiality;" declaring "the necessity of deferring the attempt, from the situation of the finances;" and pledging them "to proceed to such valuation by commissioners appointed by them and acting under their authority;" and on the basis of such a valuation promised an adjustment of the United States with the States separately, making equitable abatements. The journals show Madison voting *with* Hamilton *on this question!* In his Debates he omits this motion by Hamilton, merely referring to the journal, instead of giving it, as its importance demanded. He next represents Hamilton voting in committee for a violation of the articles of the Confederation as to the mode of voting in committee, when it is obvious there could exist no motive for so doing, as any subsequent vote in the House must have been by States—seven a majority—and any deviation from that rule in committee would have been futile; as Madison states, "a waste of time would be the result." Still, he represents Hamilton as being in favor of it the next day: "Hamilton proposed that it be agreed to, wrong as it was, rather than have no rule at all."—Debates, 322, 323. The obvious purpose of these misstatements and their minuteness show the little faith due to them. This statement is essential, as will be seen, to the truth of American history.

CHAPTER XXXII.

The conclusion of the war gave a new direction to the public mind. Congress for a time withdrew its attention from a provision for the debt, and from the urgent claims of the army. A discussion of the merits and obligation of the provisional treaty, of the conduct of the commissioners, and of the measures consequent to it proper to be taken, chiefly occupied their care.

The influence exerted by Hamilton in determining the subsequent policy of the United States towards other nations, and the decisive bearing which that policy had both on the fortunes of this Republic, and upon his fortunes, indicate the necessity of a retrospect of some of the leading circumstances which mark the character of its early diplomacy.

It is a painful fact in the history of almost every struggle for national freedom, that the oppressed party has been compelled, as an equivalent for the aids it has received, to sacrifice a part of the independence for which it was contending, either by direct stipulations of advantage to its ally, or by the more injurious because more enduring consequences of popular feeling, in which hatred of an enemy produces too strong bias to a friend.

That which is not wrested from dependence, is claimed as the due concession of gratitude; a claim, which those

who aspire to lead the public sentiment are too ready to encourage, and which the friends of a lofty national character find it difficult to resist. This evil would be greater and more apparent in the history of the United States, as theirs was an alliance with an absolute government, which could feel no sympathies with the principles of the American controversy, against a nation in whose constitution, laws, and morals, those principles had their source and growth. The story is full of interest.

The eighteenth century opened with the throes that gave birth to this American empire.

The wise policy which maintained peace between England and France during thirty years, had given time to the commercial spirit to develop its power. The successes of Spain and the prosperity of the United Provinces had invited those great rival nations to more remote fields of enterprise, and each was seen occupied in rendering the continents of Asia and America tributary to its wealth. This spirit did not permit the interruption of that peace to be of long duration, and a promise of repose was given by the treaty of Aix la Chapelle, concluded between France, England, Austria, Spain, Sardinia, the United Provinces, Modena, and Genoa, in seventeen hundred and forty-eight.

Comprehensive as were the terms of this pact, the claim of England to navigate the seas bounding South America, denied by Spain, though the cause of their recent hostilities, was not mentioned; and the disputed limits of England and France in Northern America were not settled.

France, seeing that the protracted debate of these limits must end in war, formed a defensive alliance with Austria, jealous of the designs of Prussia, on the first of May, seventeen hundred fifty-six, which was followed,

eighteen days after, by a declaration of war against her on the part of England.

Mutual dangers and apprehensions gave rise to the "Family compact" between the different branches of the House of Bourbon in sixty-one, and two years later the Peace of Paris was made. France then renounced her title to Canada and New Scotland, ceding Louisiana to Spain, as a soothing equivalent for her cession of the Floridas to England, the more readily assented to because of the restoration of Cuba.

Worsted in arms and sore under her wounds, France now sought by her diplomacy to extend her influence, and to check that of her insular neighbor. England had, in the person of Poniatowski, placed in the hands of Russia an instrument to subject Poland to her views. France, disappointed in not raising the Prince of Conti to its throne, excited Turkey to a war with Russia. To make a diversion in favor of the Turks, she exerted her influence in Sweden, and by a revolution in its government, rescued it from the control of England and of Russia, and rejoiced in the increased power of Gustavus as an efficient ally. Russia prosecuted her designs, the policy of an hundred years, to the partition of Poland, for which France, failing to prevent it, consoled herself with the hope that it would prove a fruitful subject of contention between the despoiling powers.

Two years after this event, in seventeen hundred and seventy-four, Louis the Fifteenth died, and, in the midst of various intrigues, his successor ascended the throne of France, born with defects and virtues, to precipitate the ruin of her ancient massive monarchy.

In the selection of his cabinet, Louis the Sixteenth confided the charge of its foreign affairs to an individual who had been the most effective instrument of his prede-

cessor in the mysteries of his complicated policy—Gravier de Vergennes.

The nominal chief of the cabinet was Philippeaux de Maurepas, who had served as Minister of Marine from seventeen hundred twenty-five to seventeen hundred forty-nine, when he was exiled on the suspicion of having satyrized the Marchioness de Pompadour.* Light and yielding, a politician and a man of pleasure, he had been indicated to Louis by his father as meriting especial confidence. Under this advice, Maurepas was appointed, at the age of sixty-three, Minister of State. His age and pliability commended him to the weakness of the monarch, not unwilling to be released from the fixed policy of his predecessors, while the levity of the minister gave him up to those who made a mockery of life. Thus Beaumarchais, a profligate wit, finally obtained possession of him.† The actual conduct of the exterior affairs was in Vergennes. Paternal advice also prompted the selection of him, as a man "loving order, wise, and capable in the conduct of affairs on good principles." ‡ A native of Dijon, he first gave proof of his talent in the family of his distinguished relation, Chavigny, the ambassador to Portugal. On the institution of a body of secret correspondence, he was numbered next in importance to the Prince of Conti and the Duke of Broglio. When George the Second sought at a congress convened at Hanover to elect a king of the Romans, Vergennes was commissioned to defeat him, in which he was successful, extorting the commendation of his discomfited opponents.

Choiseul, bold, impulsive, disinterested, whose vision was filled with the grandeur of France, and whose loss of power was owing to the arts of an abandoned woman,

* Flassan, vi. 110. † Capef. i. 184. ‡ Ibid. 180.

and the not less insidious practice of the Jesuits, selected him to win and to guide the confidence of the Porte. Here he again succeeded. French officers were placed in command of its soldiers, and when recalled, the Divan declared their warm regrets, and the protected commerce of the French tendered him a sword of gold. "I have fulfilled the orders of my king," Vergennes told Choiseul. "War is declared against Russia. I return you the three millions of secret service money, of which I had no need."

After two years' retirement on his estates in Burgundy, he was again sought to perform an eminent service. Sweden was to be secured to France. He repaired to Stockholm, and when Gustavus hesitated, Vergennes told him—"To-morrow—to-morrow, you must begin the revolution—to-morrow, sir, or all is lost." "To-morrow," answered Gustavus, and the revolution was accomplished.* Such was the adroit and resolute minister before whom, on his entrance into the cabinet, opened the portentous beginnings of the American Revolution.

The force of public opinion, claiming freedom of commerce in the necessaries of life, an abolition of the privileged corporations of trade, and of the many various restrictions upon industry, placed by his side as Minister of Marine, Turgot—soon after appointed Comptroller-general, the leader of the new sect called, Economists. Favored by Maurepas, he was approved to Louis by the assurance that his system would insure to France "internal tranquillity—consideration abroad—the happiness of the nation." To promote these ends, he exerted his great abilities with little caution as to its domestic interests, and with much hesitation, lest it should affect his system, as to its external policy.

* Flassan, vi. 62, 63.

The same love of popularity which introduced this able man into the councils of his king, sought favor with another sect, the Encyclopedists, soon to become masters of the mind of France, in the person of Malesherbes, president of the Court of Aids—a man whose morals were not affected by his theories, little aware of their tendency.

On the elevation of Turgot to the financial department, Sartine, late head of the Police, was charged with the Marine, which he fostered with the energy and intelligence of one whom no details escaped. St. Germain was appointed Minister of War. Capricious, discredited, he served the king's passion for an innovating economy, by demolishing the ancient system. The military school formed by Louis the Fourteenth, he abolished. The Hospital of Invalids he suppressed. Regiments he broke up. The emoluments of the officers he reduced. German severities he introduced. The soldier, first degraded and alienated, was seduced by a notion of military equality. Thus invaded in their rights and in their opinions, the French officers sought refuge in the American service.

Each of these great functionaries had the administrative talent for which France is distinguished. Each consulted the other, but pursued independently his own system. Vergennes cautioned and advised, but that was all. There was no controlling, harmonizing will. Louis—religious among infidels—a student among men of the world—confiding where to doubt was necessary, doubting where to confide was his only safety—adopting, without sounding, new ideas, and putting every thing tried at the hazard of experiment,—though vested with the plenitude of absolute power, was of monarchs the most powerless. His facile impressibility rendered him an object of compassion, when all the attributes of character were re-

quired that would inspire respect, insure confidence, exalt command.

On the other side of the British channel, the rule was in different hands. George the Third, with German inflexibility combined English courage. His pride was equal to his power, and both were engaged to maintain the integrity of his dominions. Despising popular opinion, he yielded to it only from necessity, and long yielded to it only in appearance. His prime minister, Lord North, a descendant of Dudley North, surrendering his conscience to the will of his king, retained office as the reward of his compliance, and maintained his ascendency, not by his proper merits, but by the influence of the crown and the nationality of the people. Sacrificing an empire, he seemed content to be commended for the good temper with which he met the loss.

Thus never were two potentates more opposite in character and position than were George and Louis. George, on the throne of France, by his obstinate firmness, would have arrested her revolution. Louis, on that of England, by his concessions, would have postponed the revolt of the American colonies.

Hamilton's anticipation, in the spring of seventy-five, of aid by France and Spain, became the general expectation of the American people. In the ensuing autumn, preliminary measures of defence having been taken, a Secret Committee of Correspondence was appointed by Congress. This committee selected Arthur Lee, who succeeded Franklin as the agent of Massachusetts, then residing in London, as the medium of communication.

Conferences held by him there with the envoy of France, were communicated to Vergennes.

The treaty of seventeen hundred sixty-three, which expressly forbade any aid, direct or indirect, by either

crown to any party that would inflict an injury on it, was to be disregarded. It was a blot, and must be effaced. Not half a century had elapsed since England had subsidized the Huguenots in their revolts. To aid the British colonies would be a justifiable retaliation. Thus reasoning, Vergennes, who with equal zeal had urged the assumption of absolute power in Sweden, and the ascendency of democracy in Holland, only waited the expedient time to interpose. While this would be chiefly decided by the strength of the resistance shown in America, much must depend on the temper of the continental powers of Europe. Spain, in the first moments of the outbreak, needed no impulse. Her animosity to England, long nourished, was eager for war. Familiar with her councils, Vergennes, doubting her firmness, was content to urge an increase of her marine, and to exert his influence over the cognate powers of Tuscany and Naples.

In the north of Europe, Russia, intent on the submission of Turkey, cultivated England. France appealed to her commercial aspirations, and Vergennes was stimulating a league with Denmark and Sweden, of which Russia was to be the head, in assertion of the rights of neutrals.

The liberation of the sea was welcomed by the young King of France, and, in the revocation of the droit d'aubain, the continent was invited to behold the first step toward a fellowship of nations. But encouragement and aid to an insurrection, in violation of treaty, was too strong a measure for the moral sense of Louis. The appeals of the injured colonists fell coldly upon his ears, and his hesitations were only to be overcome by an appeal to the stronger sentiment of an inherited policy, the abasement of England.

On this theme Vergennes dwelt, in a memoir to the

King, early in seventy-six, painting, in various forms, the advantages that must flow to France and Spain from the controversy of England with her colonies, not overlooking the ulterior dangers to which the allies would be exposed, of the possible loss of their American possessions. To foster and prolong the quarrel by covert aids, avoiding any direct commitment, and in the mean time, while England was exhausting her resources, to prepare for future emergencies, was the policy he proposed. This memoir was, by order of the King, submitted to Turgot. That able statesman took a broad, far-seeing view of the question.* He regarded the final subjection of her colonies to the English yoke as the most desirable result. Should the ruin of her resources be the consequence, England would no longer derive advantages from them. Should those resources be preserved, their courage and desire of independence would occupy a part of the English strength in preventing a new revolt. But the absolute separation and independence of them he thought infinitely probable, to be followed by a total revolution in the political and commercial relations of Europe and America. It was his firm belief, that all the parent States would be compelled to free their colonial dependencies, to permit them to enjoy a freedom of commerce—to be content to share their commerce with other nations, and to maintain friendly relations with them. This inevitable result, he urged, ought to be anticipated and prepared for. A prompt reconciliation between England and America was the only near danger that threatened the crowns of Spain and France. It was equally important, not to be surprised by England, and not to be drawn into a war by the heat of Spain; by her too great confidence in her strength; by

* Politique de tous les Cabinets, ii. 365.

her antipathy to England; by her just-resentment. His conclusion was, there ought to be no aggression by these crowns, as forbidden by moral obligations, by the state of their finances and means of hostility, and by the decisive reason, that an offensive war against England would produce concessions to, and a reconciliation with her colonies. But he advised aids to them by commercial facilities, supplies of munitions and of money, preserving their own neutrality, and withholding direct succor. In the interval, their squadrons were to be fitted for war, but to remain unarmed. If the danger became imminent, he advised to prepare for a descent upon England, and compel her to recall her forces.

Thus sustained in his views, Vergennes soon after addressed a letter to his king, asking a million of livres for the service of the colonies, to be furnished as a private loan, assured him that no writing should pass from his own hand or from those of his subordinates, but from that of his son, which could not be known. If granted, Grimaldi, the Minister of Spain, was to be informed, and requested to double this sum.*

While such were the proceedings at Paris, measures were taken in Philadelphia to invite and meet the favoring dispositions of France. The memoir of Vergennes to Louis was preceded only a few days † by instructions to Silas Deane to repair to France, to seek a conference with that Minister, to solicit supplies, and to ascertain, in case independence were declared, whether France would acknowledge it, receive their ambassadors, and enter into treaties of commerce or of alliance, or both.

Four months later, independence being declared, a plan of a treaty with France was framed, and, being modified,

* Flassan, vi. 140. † March 3, 1776.

was adopted in the following September, when Franklin, Deane, and Lee, in place of Jefferson, who declined, were elected commissioners to represent their country at Versailles.

Deane had, in the mean time, arrived at Paris, was admitted to an interview with Vergennes, and was informed by him, that, sensible of the value of the American commerce, the French ports were ordered to be kept open to American vessels; that, "considering the good understanding between the Courts of Versailles and London, they could not *openly* encourage the shipping of warlike stores, but no obstruction would be given" or permitted. Independence was a future question. He inquired of the ability of the colonies "to subsist without their fisheries, and under the interruption of their commerce;" and especially "whether, if the colonies declare an independence, they would not differ among themselves." *

This interview was followed by a proposal of Beaumarchais, the secret agent of the Minister, to furnish supplies under the name of a fictitious mercantile firm. To this proposal was a postscript full of meaning, recommending the example of Rome in appointing a Dictator, as, "in a state of danger, the more the executive power is brought to a point, the more certain will be its effect, and there will be less to fear from indiscretion."

Secret supplies were now furnished, and a commerce permitted, but France cautiously held back from any overt act. The Declaration of Independence was urged as a motive for its acknowledgment. The reply was, "What service can such acknowledgment be to the United States? You are known here; our ports are open and free to your commerce, and your ships are protected in

* Diplomatic Correspondence, i. 15–39.

them." "If France be obliged to make war on England, it will be much more just and honorable in the eyes of the world to make it on some other account; and if made at all, it is the same thing to the United States, and in one point of view better for them, to have it originate from any other cause, as America will be under the less immediate obligation." The examples of the Swiss Cantons, of the United Provinces, and of Portugal, were adduced, of States recovering and being treated as Independent, without any acknowledgment of Independence.

A month later, the Commissioners of the United States were admitted to a private audience, and presented the proposed treaty of commerce. A memoir followed, on the situation of the United States, with a copy of the articles of confederation, which were also communicated to D'Aranda, the ambassador of Spain. The British envoy, Stormont, complained of this affront. Vergennes replied, "If such reception had taken place, France and England would be much astonished." *

Congress were informed that military supplies would be sent. "The hearts of the French are universally for us, and the cry is strong for immediate war with Britain." This disposition was increased by the successes of the armed ships of America, and of her privateers.

The double policy Vergennes had marked out for himself was still adhered to. He affected to know nothing of the supplies furnished. Every step was taken to gratify England publicly, by attending to the remonstrances of her ambassador, by forbidding the departure of ships laden with military stores, by recalling officers about to repair to America, by inhibiting the sale of prizes in French ports. The American commissioners were at the same

* Flassan, vi. 151.

time indirectly assured that these orders would not be enforced, and a secret grant of two millions of livres was made by the Crown. "All Europe is for us," was the rising language of Franklin.

Stormont again reclaimed. Vergennes gave a serious, detailed answer.* "His Majesty disdains any other glory than that due to the benefactors of humanity, and he delivers himself the more freely to this magnanimous sentiment, as his power is so well known that his motive cannot be suspected. It is with this conviction that the King orders me to declare, that, faithful to the observation of treaties, His Majesty relies they will not be the less exactly observed on the part of England; that he will permit nothing to derogate from them, and that sensible to his complaints," he has directed the American privateers to be sequestered, and renewed his order against the sale of them in the ports of France; that her tribunals were open to the injured, but he remonstrated against confiscations by England of vessels laden with the products of the North American colonies. This reply was of the fifteenth of July. Eight days after, Vergennes read a memoir to the King in council. He discountenanced his monarch's apprehension that France was raising in the United States a power of dangerous strength. The discords of the colonists must be fatal to their rapid development; and if not, the vices of Europe would prove to them a vital injury; that in any event, the continued domination of Canada and of her adjacent possessions by Great Britain must ever prove a source of discord with the colonies, and a security to France.

These suasives had their effect, but Spain had begun to halt. The spirit of reform, elsewhere so active, had

* Flassan, vi. 146.

reached St. Ildefonso, and Charles the Third seemed for a time to be consulting the interests of his people. Doubtless the ultimate danger of the Spanish colonies was before his eyes. He was reluctant to incur the hazard, and to tax a treasury not easily replenished.

Tidings of the capture of Burgoyne, and of the onset at Germantown, now reached Paris, and were greeted with loud rejoicings. On the twelfth of December, Franklin and his colleagues urged the conclusion of a treaty, and five days after, information was given by Gerard that Louis had determined to acknowledge the independence of the United States, and to conclude with them a treaty on the most liberal terms; that he meant to support that independence; that, if war ensued, "he should not expect any compensation from them on that account, nor pretend that he acted wholly for their sakes, since, besides his real good will to them and their cause, it was manifestly the interest of France, that the power of England be diminished by their separation from her." The only condition required would be, that, "in no peace to be made with England, they should give up their independence, and return to the obedience of that government." The commissioners were assured that the conclusion of the treaty only wanted the concurrence of Spain. An additional aid of three millions of livres had been promised.

Three weeks later, to decide the mind of Spain, the King of France addressed his uncle Charles a letter, prepared by Vergennes, but copied by himself.* He mentioned the secret aid furnished, and that, sooner or later, England would avenge herself; that she had seized several vessels, which she had refused to restore, and that he had strengthened his colonies and his naval force,

* Flassan, vi. 169.

which had increased his ill humor. "The destruction of the army of Burgoyne, and the confined situation of Howe," he stated, "had wholly changed the face of affairs. America is triumphant—England is overthrown."

A pacification with her colonies was called for on every side.

"From different motives they will unite against us, and will not forget our ill offices. They will fall upon us with as much force as if there had been no war. This consideration, and the complaints we have against England being notorious, we have decided to form a treaty with the colonies to prevent a reunion with the metropolis." This letter was accompanied with a memoir detailing the reasons of this decision. Before a month expired, a treaty of amity and commerce was concluded by France with the United States.

The plan of treaty presented to France provided that each nation should commerce with the other on the footing of "natives;" for the mutual protection of this commerce, with the exception of certain articles enumerated as contraband; for the retention by France of her existing fisheries, with a stipulation that neither party should interfere with the fishing grounds of the other, on pain of confiscation. It further provided, that France should not under any pretence possess herself of any of the territories then or lately under the dominion of Great Britain on or near the North American continent, it being the declared intention of the United States, to have the sole and exclusive possession of them. It secured access, on the same terms with France, to such of the British West Indies as she might capture; gave permission of free access, by the men-of-war and privateers of either party, to the ports of the other, excluding from them any captures from either nation by an enemy; with the right also

of unmolested trade by either party from its own to the ports of an enemy of the other, or from one of that enemy's ports to another. It also provided for an exemption from duty, in the French islands, on molasses shipped to the United States, and that the duties on articles in those islands, when sent there, should not exceed the lowest duties upon the same articles, when shipped to France.

The instructions which accompanied this plan, authorized the substitution of a commerce on the footing "of *the most favored nation*," if France objected to that of "*natives;*" a waiver of other of the proposed articles upon certain contingencies; and urged a public acknowledgment by France of the independence of the United States, tendering assurances to Spain not to interfere with her colonial dependencies.

Additional instructions were subsequently given, to take measures to prevent the employment by England of foreign mercenaries; offering an entire exclusion of her from the American fisheries, with a participation in them to France, and an assurance of aid in the reduction of the British West Indies, then to belong to France, as inducements to obtain a declaration of war. The same commissioners were instructed to negotiate a treaty of commerce and alliance with Spain; for which purpose they were directed to promise aid in the reduction of Pensacola, with an express reservation to the United States of the use of its harbor, and of the free navigation of the Mississippi. Measures were also taken to form treaties with Prussia, Austria, and Tuscany.

By the treaty which was concluded, each party was placed on the footing of "the most favored nation." Similar stipulations for mutual protection and facility of intercourse, were made with those in the original plan; an article was added, granting to each nation the liberty

of maintaining in the ports of the other a consular establishment, to be regulated in its functions by a convention; and another, by which France promised to grant one or more free ports in Europe, and to continue the free ports which had been, or were then, open in the West Indies. The article as to molasses was objected to, but ultimately permitted to remain, on the grant as an equivalent, that all *merchandise shipped directly from the United States to the sugar-producing islands, should be free of duty;* that excluding France from possessing herself of any of the territories or islands then or lately under the dominion of Great Britain, on or near the North American continent, was dissented from and abandoned.

A treaty of alliance, eventual and defensive, was also formed. It provided, that common cause should be made, if war should break out between France and Great Britain, during the continuance of the war between her and North America. It declared, that the essential and direct end of this alliance was the liberty and independence of the United States, both in government and commerce; that acquisitions by the United States in the northern parts of America, or of the Bermudas, should belong to them, and renounced, on the part of France, the possession of those islands and of all the North American territory previously or then belonging to Great Britain or to the United States. All British islands situated in or near the Gulf of Mexico, if captured by France, were to appertain to her.

An article was inserted, at the instance of the American commissioners, that no peace or truce was to be concluded with Great Britain by either party, without the formal consent of the other; and a mutual engagement was made, "not to lay down their arms until the independence of the United States shall have been *formally* or

tacitly assured by treaty." It excluded all claim of compensation on either side, and contained a mutual guarantee against all other powers from its *date for ever*—on the part of the United States to France, of her present possessions in America, or those she might acquire by a future treaty of peace; and on the part of France to the United States, of their liberty, and independence of government and commerce, and all their possessions, and the conquests they should have made from Great Britain during the existing war, as the same "shall be affixed at the moment of its cessation."

To define more explicitly the sense of this guarantee, it was declared, that in case of a rupture between France and England, it was to take effect from the moment of that occurrence. If such rupture did not occur, then it was not to take effect, "until the cessation of the war between the United States and England shall have ascertained their possessions."

A separate and secret article was added, by which Spain was entitled to accede to these treaties and participate in these stipulations, at such time as she should judge proper, with an engagement to admit such alterations, analogous to the aim of the alliance, as Spain or the United States may propose, and shall be deemed conformable with reciprocity. This treaty, containing such important provisions, was framed by France without having been anticipated by the United States, was presented to the American commissioners the first time on the eighteenth, was assented to on the twenty-seventh of January, and signed on the sixth of February, seventy-eight, simultaneously with the treaty of commerce.

The terms of this treaty, as was to have been expected from the relative circumstances of the contracting parties, were most advantageous to France. The motives

to it on her part were to abridge the power of a rival, to enlarge her commercial relations with a new and growing country, and permanently to secure her own American possessions. The first result she anticipated from a contest in which she knew the United States must prevail; as to the second, although she was too wise to excite jealousy by very unequal terms, she secured to herself *for ever* the advantage of a trade, on the privileges of "the *most favored nation*," with a young, growing, and extensive empire, without giving any essential commercial equivalents. But the third, although it appeared to be a measure of reciprocity, was largely in her favor. She guarantied to the United States their sovereignty and independence; as an equivalent for which, they guarantied her West India possessions. Whenever the independence of the United States should be obtained, as it was not within the calculation of probabilities that it would ever again be at hazard, the guarantee of France would be nominal, while that of the French islands would be operative in every maritime war in which France might be engaged, would be an effectual protection of them by means of the future power of this republic, and might involve it in controversies in which it had not only no mutual, but, perhaps, an opposite interest.

The conclusion of this treaty was immediately disclosed to Spain. The intelligence was not welcome. Louis again addressed an autograph letter to his uncle. A primary motive, he stated, was the ascertained effort of England to induce a reconciliation with her colonies. To sustain the courage of France, to maintain the dignity and honor of his crown, and to repress the audacity of England, he had published a declaration of the motives of his conduct. These reasons, and the *secrets which began to escape*, had convinced him he could no longer de-

fer this open procedure. He would have waited the advice of his ally, but circumstances did not permit delay. The reply of Charles was cold. He rejoiced in the liberty of action which was left to him, was evidently disinclined to a war with England, and dissatisfied that the treaty had been concluded, without his being consulted.

To derive the full and immediate benefit of the compacts, and to counteract the conciliatory proposals of England to America, Gerard was appointed Minister Plenipotentiary to the United States.

Silas Deane was recalled, and John Adams, on the motion of Elbridge Gerry, was chosen a commissioner to fill the vacancy, though by a much divided vote.

Adams proceeded to Europe, where he remained more than a year, when the commission being broken up, Franklin, as previously stated, was accredited as envoy to France, Lee to Spain, but for Adams no provision was made.* This neglect is the more to be observed, as Adams was chiefly instrumental in the dissolution of the commission, urging Congress to "separate the offices of public ministers from those of commercial agents," and to "recall or send to some other court, all the public ministers but one at this court." † Being neither recalled nor commissioned elsewhere, Adams returned to America.

It was the obvious policy of Vergennes to commune but with one diplomatic agent, and that agent he preferred should be Franklin. And well the aged politician knew to win the regards of France. In the enthusiasm of the moment, her taste for splendor and for show joyed in the contrast of his plain, simple attire, for he was a

* Life of Adams, i. 281. "He was not informed even of what was expected of him, whether to wait or to return; whether to regard himself as under orders, or as left wholly to shift for himself."

† Adams to Samuel Adams.—Dip. Cor. iv. 247.

spectacle. His picture as a Quaker hung over the mantels and in the boudoirs of women of fashion. There were beheld with admiring fondness, his rich white hair floating over his shoulders; his air of contemplation, his keen, quick eyes; his calm, shrewd countenance, almost smiling at the interest he created, for he saw that among this electric people to have communed with the skies gave him strength on earth; that "one must be an idol to lead opinion, and that a man of popularity is more powerful than power itself." His genius gave him high place among the savans, his experience taught him prudence with the court, and he gave the impression that no opinions were too free for his acceptance,* and that to appear to yield, was his way to conquer. Vergennes soon penetrated the character of this distinguished man, gained him by a deference he did not feel, assured, that the reputation of his favor at Paris would increase his favor at Philadelphia.

Some of the traits of character which commended this eminent person to the especial regard of France, had inspired caution in the United States. The instructions given to him, while they sought, in perhaps too earnest terms, the aid of France, wisely urged a maritime force being sent to the American coast, the destruction of the British fisheries on the banks of Newfoundland, and the reduction of Halifax and Quebec. But they also expressly enjoined him, "in all things to take care not to make any engagements or stipulations on the part of America, without the consent of America, previously obtained

Vergennes concealed the intended mission of Gerard until the moment of his departure, and even withheld the knowledge of it from Arthur Lee. Indignant at the con-

* Oeil de Boeuf, ii. 271.

cealment, Lee addressed an angry letter to Franklin, charging him with a studied design to mislead him. No reply is found. Vergennes distrusted Lee, and, it is stated, enjoined secrecy upon Franklin. The dissatisfaction of Lee was transferred to Philadelphia, and a motion was offered in Congress that Franklin should be recalled. It was defeated by the vote of ten States. A few days after, Lee apprised Vergennes that Hartley, a member of Parliament, was inciting suspicions of the policy of France, and that British agents had been dispatched to the United States. Vergennes gave him a most insulting reply.*

Similar dissatisfaction had arisen between Izard and Franklin. A correspondence ensued between them, which places Franklin in an unpleasant light.† The result was a request on the part of Izard to be recalled, which was acceded to.

The failure of the conciliatory bills to shake the purpose of the United States, was followed by a fruitless attempt by the Court of St. James to open a negotiation with Franklin. France was alarmed, and her envoy declared at Philadelphia, that it had been pretended, that the United States had reserved the liberty of treating with Great Britain separately from their ally, as long as Great Britain shall not have declared war against his master.

An explicit assurance was then given by Congress, that the United States would not conclude a peace or truce with the common enemy, without the formal consent of their ally, and that any assertions or insinuations to the contrary, tended to their injury and dishonor.

Several months elapsing since the signature of the

* Dip. Cor. ii. 145–157. † Ibid. 416–424.

treaty with France; which reserved the right to Spain of acceding to the alliance, Arthur Lee, who had been at an early period commissioned to open a negotiation with that court, proposed it to Vergennes. His reply stated, that he would "act prudently in suspending the measures he wished to take with the view of ascertaining its principles and resolutions with regard to America." *

This answer was transmitted to the United States.

The instructions stated to have been given to Gerard, show a strict adherence to the policy proposed in the early memoirs of his cabinet to Louis. To thwart any intrigues of England with Congress, and to obtain an early ratification of the recent treaties he had signed, were primarily enjoined. He was also directed to decline adroitly all demands of subsidies; to take care that the military operations should be combined with those of the fleet under D'Estaing; and expressly "to avoid any formal engagements relative to Canada and the other English possessions, of which Congress proposed the conquest." The motive to this caution was that laid down in those memoirs, to keep up in the dominion of England over her northern colonies, an object of "inquietude and vigilance" on the part of the Americans, and by the presence of a formidable enemy to render them more sensible of the value of the friendship and support of France.†

The determination of Vergennes to hold all the negotiations between the United States and other powers in his own hand, is first seen in his recent reply to Lee. To prevent an independent negotiation with Spain, Gerard announced to Congress her purpose to act as mediator, and urged the immediate appointment of an envoy to

* D. C. ii. 195. Oct. 17, 1778.

† "Introduction par de Sevelinges" to Botta's History, i. 13, 14.

Madrid, to assist in the deliberations and in the conclusion of a treaty.

A report was made to Congress on the twenty-third of February, seventy-nine. It proposed as a preliminary,* that "previous to any treaty or negotiation for peace, the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government as of commerce, be acknowledged" by Great Britain. This being done, the boundaries to be agreed, were defined nearly as subsequently established by the definitive treaty. The country was to be evacuated by the British forces.—The right of fishing and of curing fish on the banks and coast of Newfoundland, equally with the subjects of France and Great Britain, was to be reserved and acknowledged.—The free navigation of the Mississippi as low as the southern limits of the United States, and a free commerce, excepting of enumerated articles, to some port or ports near its mouth, was to be insisted; and in case the allies of the United States would agree to support them in such claim, Nova Scotia and its dependencies were to be ceded to the United States, or declared independent. Conditional articles as to the British North American possessions—the Bermudas and Floridas, with a stipulation that the United States should not trade to the East Indies, nor engage in the slave trade, were proposed, but were set aside.

The debate on these terms, in which the fisheries and the navigation of the Mississippi were the prominent topics, was protracted until July. During its progress, frequent communications were made by Gerard. Congress were reminded, on the twenty-second of May, of the determination of France to continue the war until in-

*, Secret Journal of Congress, ii. 133.

dependence shall have been formally or *tacitly* acknowledged; that she was only bound by her treaty, and as to the possessions to be insisted upon, that her engagements were conditional, and that her obligations did not commence until they were fixed by the cessation of the war, with a caution against "far-fetched inductions, subject to discussion and contradiction, tending to alter the fundamental system of the alliance."

This was followed by a second urgent memorial on the importance of the mediation of Spain, and of a decision upon the terms of a treaty. A conference was held with a committee of Congress on the twelfth of July. Gerard stated, "that the court of London, showing on one side dispositions to a reconciliation with France, rejects, on the other, the very idea of a formal and explicit acknowledgment of independence," which France perseveres to hold up as a *preliminary* and *essential condition*." He reminded Congress, that Holland had only obtained a *tacit* acknowledgment of independence after a war of thirty, and an *explicit* one after a resistance of *seventy* years; and to that day, that Genoa and the Swiss cantons had obtained no renunciation or acknowledgment, either tacit or formal, from their former sovereigns, but that they *enjoy their sovereignty and independence only under the guarantee of France.*

This was pronounced a difficulty "merely in words," and it was suggested, "that instructions upon *particular* conditions might frustrate the purpose of the treaty—a tacit acknowledgment."

The necessity, by the adoption of "just and moderate terms," towards England, of enabling Spain to bring her mediation to a happy issue, was enforced. Congress were also reminded, that *proper terms* should be offered to his Catholic majesty, in order to reconcile him perfectly

to the American interest, and lest he should "drop the mediation."

To obviate these difficulties, a commission with full powers based upon the treaty with France was proposed. Congress thus admonished, resumed the consideration of their ultimata. After much debate, a division was taken upon an amendment admitting that independence might be *tacitly assured.* This was negatived by the vote of seven States.

After various propositions as to the fisheries, it was decided, that the guarantee of them should not be an ultimatum. The acquisition of Canada and of Nova Scotia was relinquished; and a cessation of hostilities was to be agreed to upon the evacuation of the United States. "In all other matters," the envoy was instructed "to govern himself by the alliance between his most Christian Majesty and these States, by the advice of their allies, by his knowledge of our interests, and by *his own discretion,* in which we repose the fullest confidence."

As the negotiation was to be conducted under the mediation of Spain, the terms of a treaty with that power were also discussed. Anxious to obtain a subsidy, aware of the desire of Spain to repossess the Floridas, and doubtful of the extent of the treaty of alliance with France on this point, Congress agreed to guarantee them to Spain, if wrested from Great Britain, but insisted upon retaining the right of a free navigation of the Mississippi into and from the ocean. The question of this navigation was much debated, but it was exacted, and a motion to authorize a private instruction to recede from it below the territory of the United States, if that right should be found an insuperable obstacle to a treaty, was *rejected.**

* 2 S. J.

A draft of instructions as to a treaty of commerce with Great Britain was also prepared. The commercial treaty with France was to be the guide. No privilege was to be granted to Great Britain not granted to France, and no peculiar restrictions or limitations to be consented to in favor of Great Britain. The common right of fishing was to be in no case given up. The importance of its enjoyment was declared. France was to be induced to enter into articles for its better security.

Should its enjoyment be interrupted by Great Britain, the force of the Union was to be exercised to obtain redress; and Congress pledged themselves, that no treaty of commerce should be entered into, nor any commerce be carried on with Great Britain, without an express stipulation on her part for the unmolested taking of fish in the American seas beyond three leagues from the shores of the British territories.

The votes on the articles of these treaties affecting the Fisheries and the Mississippi, assumed too much a geographical character, but satisfied for a time the extreme sections of the United States. To France they were of little interest.

Having removed these obstacles to a peace with Great Britain, Gerard, feeling he had accomplished his errand, on the seventeenth of September took public leave of Congress.

CHAPTER XXXIII.

The choice of persons to conduct these negotiations was the next great matter of interest. John Jay and John Adams were both in contemplation as ministers to treat with England. The first effort was to exclude Jay, then President of Congress; and with this obvious intent, a member from South Carolina, who might not be suspected of being prompted by a preference of Adams, offered a resolution, which was seconded by his friend Gerry, declaring that Congress would not appoint any person being a member of their body to any office under the United States for which he would receive any emolument. This resolution was defeated by the votes of all the members except four. These were the delegates from New Hampshire, Massachusetts, and one from South Carolina.*

Adams and Jay were then placed in nomination. The next day a vote was taken, but no election was had, and the expedient of first choosing an envoy to Spain was resorted to. This was ordered, and Jay was appointed the following day to this mission. Thus he was removed from competition with Adams, and the latter was chosen to negotiate with England.

The preference of Adams to Jay has been ascribed to

* Peabody, Lovell, Gerry, and Matthews.—S. J. U. S. 51.

his having "so generally fallen in with the policy of the Southern States, and of the French minister, by refusing to insist upon the fisheries, as a fundamental principle of national independence, as to rouse in the New England delegates the greatest repugnance to intrusting him with the vital interests of that negotiation." * This statement is not warranted by the record. Jay, it is true, voted against insisting on a stipulation from England of a right to cure fish on the coast of Nova Scotia as an ultimatum, it being obvious, if Nova Scotia were to remain a British possession, that the United States had no right to require the use of that coast for any purpose. But as to requiring an acknowledgment of the common right of fishing, and a declaration, that, in no case, by any treaty of peace, it be given up, he voted in favor of it in unison with all the members, seven excepted.† ‡ The course of this matter would indicate that the vote as to these missions involved no principle, but that the election of Adams was a concession to the wishes of his immediate friends. If there was an intrigue for this appointment, it was not on the part of the friends of Jay. To please South Carolina, John Laurens was appointed Secretary to the Legation, which place he declining, his father, Henry Laurens, was chosen Minister to Holland.

A few days after, the Chevalier de la Luzerne presented his letters of credence as the successor of Gerard. His high connections—for he was grandson of De la Moignon, chancellor of France, nephew of Malesherbes, and nearly allied to De Broglio—showed it to have been a complimentary selection. He recently had filled the

* Life of Adams, i. 295.

† N. H., R. I. 3, Penn. 4, Virginia 1.

‡ "You shall never see my name," Jay writes to Livingston, "to a bad peace, nor to one that *does not secure the fishery*."—D. C. 8–128.

place of ambassador to Bavaria, during the negotiations which preceded the treaty of Tischen, Marbois being his secretary, who accompanied him to Philadelphia, and was perhaps the more efficient person.

In the first month of the new year, the French envoy announced to Congress the preparations of France to bring the war to a conclusion, the importance of commensurate exertions on their part, and the aids he proposed to furnish. A communication of the correspondence between England and Spain followed, showing the failure of the mediation. The probability of an armed intervention of other European powers was alleged as a motive for vigorous exertions to expel the British from all the United States, inasmuch as the principle of *uti possidetis* might govern in a forced peace. An assurance was given, that France and Spain would make a very powerful diversion, and would exert themselves to maintain and improve their naval superiority. Congress, in reply, stated their measures to raise troops, their dependence on their ally for clothing and stores of war; pressed earnestly the dispatch of a naval force to control that of the enemy in the American seas, and gave fullest assurance of the determination of the States to secure their independence and to observe their treaties.

In a second conference, the terms of an alliance to be formed with Spain were set forth by the French ambassador. These were, a precise and invariable boundary to the United States, as limited by the British proclamation of seventeen hundred sixty-three; the exclusive navigation of the Mississippi to be reserved to Spain; her possession of the Floridas, and of the lands on the eastern side of that river, they being "possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed for the purpose of making a permanent conquest for the Spanish crown."

The policy of acceding to these terms was enforced by a statement, that France cannot deem the revolution which has set up the independence of these United States as past all danger of unfavorable events, until his Catholic Majesty and the United States shall be established "on terms of confidence and amity."

No immediate action was taken by Congress on this suggestion, they waiting such advices as Jay, who had recently sailed for Spain, should give.

The appointment of Adams, who, on his return to America, had placed before Congress a wide view of European affairs, was most welcome to him. He pronounced it an acquittal "with much splendor."* "I could compare it to nothing," he writes Laurens, "but Shakespeare's idea of Ariel, wedged in the middle of a rifted oak, for I was sufficiently sensible, that it was owing to an unhappy division in Congress; and pains enough were taken to inform me, that one side were for sending me to Spain, and the other to Holland, so that I was flattered to find that neither side had any decisive objection against trusting me, and that the apparent question was only *where*."

Thus elated, Adams reached Paris a few days after the recent conference with La Luzerne had taken place at Philadelphia.†

In the early part of his sojourn there during his first mission, nothing of a very marked character occurred. He arrived with impressions not unfavorable to France,‡

* 4 D. C. 330–335. † Feb. 5, 1780.

‡ "It is a rock" (the alliance) "upon which we may safely build. Narrow and illiberal prejudices, peculiar to John Bull, with which I might, perhaps, have been in some degree infected when I was John Bull, have now no influence over me. I never was, however, much of a John Bull; I was John Yankee; and such I shall live and die."—4 D. C. 261.

though it seems he indulged suspicions that she had obtained unfair advantages in the treaty of commerce with the United States.* Apparently awake to the dangers of foreign interference,† he early expressed his apprehensions, lest "Americans should avail themselves of the aid of French influence to strengthen their parties, and to promote the purposes of private interest and ambition.‡ How much of this feeling was the result of just observation, and how much proceeded from temper, it were not easy to decide. There is little question he had the favored Franklin in his jealous view. His busy self-importance was too manifest to escape the observation of the wary Vergennes. He left him aside, still addressed himself to his distinguished colleague, who consoled Adams by employing him as the scribe of the commission.

His view of European affairs, presented to Congress on his return to America, was well adapted to its object —a second mission. He probably had learned the success of Gerard, and addressed himself to the prevalent feeling of Congress. The French court was extolled—their purposes towards the United States lauded—ancient prejudices condemned. "Too much pains," he remarked, "cannot be taken to multiply the commercial relations,

* 4 D. C. 275. † Ibid. 282.

‡ In a despatch to Congress, Adams, in speaking of Markow, the Minister of Russia at the Hague, mentions—"His behavior to me is a distant bow, an affected smile sometimes, and now and then a '*comment vous portez vous?*' One evening at court, when the northern epidemy was here, he put me this question after supper, in great *apparent* good humor. '*Terriblement affligé de l'influença,*' said I. '*C'est en Angleterre,*' says he, laughing, '*qu'on a donné ce nom, et il ne feroit point du mal, si vous voudriez vous laisser gagner un peu par l'influence de l'Angleterre.*' I had at my tongue's end to answer—'*C'est assez d'être tourmenté de l'influence qui vient de Russie!*' but I reflected very suddenly, if he is indiscreet, I will not be; so I contented myself to answer, '*Jamais, monsieur, jamais.*'"—6 D. C. 391.

and strengthen the political connections between the two nations;" but this was to be done under proper cautions.

As to Great Britain, he pronounced strongly:—"This power loses every day her consideration, and runs towards her ruin. Her riches, in which her power consisted, she has lost with us, and never can regain. She resembles the melancholy spectacle of a great wide-spreading tree, that has been girded at the root. I think that every citizen, in the present circumstances, who respects his country, and the engagements she has taken, ought to abstain from the foresight of a return of friendship between us and the English, and act, as if it *never was to be.*" *—A sage and philanthropic conclusion!

On his second coming to Paris, he communicated information of his mission to Vergennes, assuring him of his intention to take no steps without consulting him, and asking "his opinion and advice" as to the policy of disclosing his powers to England. The answer was immediate. It declared the purpose to defer a full reply until the return of Gerard, and expressed the opinion, "that it will be prudent to conceal his eventual character, and above all, to take the necessary precautions, that the object of his commission may remain *unknown* to the court of London." †

Information being received from Gerard of his success in limiting the commission of Adams, he was apprised by Vergennes that he would be presented at court, and his official character announced, but was again requested "to take every necessary precaution that the British ministry may not have a *premature* knowledge of his full powers to negotiate a treaty of commerce."

Adams, thus quieted, promised an entire compliance.‡

* 4 D. C. 816. † Ibid. 860-864. ‡ Feb. 23, 1780.

This composure was of short duration. Disconcerted by his negative position, he wrote to Lovell to guard against the substitution of a new commission, and the revocation of his powers. The promise of an official announcement of his embassy and presentation at court was not fulfilled. He wrote Vergennes, complaining of this omission, who informed him, that such annunciations in the Court Gazette were not usual, but that he would have them mentioned, if he wished, in the Mercury, and enclosed the form of an article, stating that he had "been designated to *assist* at the conferences for a peace, when that event shall take place!" Adams declared himself "perfectly satisfied," and that this would "equally satisfy his countrymen."

This was not his actual feeling. He wrote to Congress the same day: "The delicacy of the Count de Vergennes about communicating my powers is not perfectly consonant to my manner of thinking, and had I followed my own judgment, I should have pursued a bolder plan by communicating, immediately after my arrival, to Lord George Germain, my full powers to treat both of peace and commerce." Hoping a change in the policy of the French court, he was not prepared for a breach, but expressed his sense of the importance of the alliance, avowing his opinion, "that the commercial interests of England and America will for ever hereafter be incompatible!!"*

Thus, without official employment, Adams thought he might serve his country by contributions to the Mercury, a gazette published under the surveillance of Genet, a secretary in the Foreign office. Vergennes, disinclined to permit such a channel of communication to be open,

* 5 D. C, 104.

caused Adams to be apprised that he would prefer his lucubrations should be addressed to himself. Adams obeyed, and was soon involved in a difficulty. He communicated a decision by Massachusetts to redeem, as recommended by Congress, the Continental paper at the rate of forty dollars for one of silver. Great clamor arose in France. Franklin stated that the resolution had probably been misunderstood, and his confidence that Congress had not done nor would do any thing unjust towards strangers who had given them credit.

Adams sought to show that the measure did not bear seriously upon foreigners. Vergennes, moved by the public voice, took the matter up warmly, addressed an invective to Adams, asked his interposition with Congress, and announced his intention to make a representation through Luzerne.

As the procedure was a gross breach of faith, a wise man would have done as Franklin did. Adams pursued his own course, and the next day wrote to Vergennes, defending it as an act of "justice to the body politic." * "As the depreciation," he remarked, "crept in gradually, and was unavoidable, all reproaches of a breach of public faith ought to be laid aside, and the only proper inquiry now really is, what is paper honestly worth? What will it fetch at market? And this is the only just rule of redemption." A labored dissertation followed to show that "no general distinction can be made between natives and foreigners."

Vergennes, astonished and disgusted at the effrontery and turpitude of vindicating such a measure, replied curtly. It was not his intention to analyze this resolution, as respects the citizens of the United States, but to show

* 5 D. C. 214.

the manifest injustice of confounding the French with the Americans, but he declared His Majesty's persuasion that Congress will "assuredly perceive that the French deserve a preference before other nations who have no treaty with America, and who even have not, as yet, acknowledged their independence."

Adams chafed at his temporary unimportance. It touched the mainspring of his character. Though burning to communicate his powers to Great Britain, he did not dare to incur the displeasure of France. After a month had elapsed of deep mortification, he again addressed Vergennes, setting forth at length the reasons in favor of opening his commission to that power. The French minister transmitted a long detailed reply, retorting upon Adams his own avowal—that he was as sure as he was of his own existence, that England had "no sincere intentions of making peace upon any terms." "To what purpose," he asked him, "communicate to them at present powers which cannot be made use of until after a peace?" He premised, that "it is necessary, *first of all*, to obtain from England an *acknowledgment* of the independence of America, and that acknowledgment must serve as a *foundation* for a treaty of peace."

Enclosing this reply, he wrote him—"I shall, on my part, transmit my observations to America, that M. De la Luzerne may communicate them to the members of Congress; and I am persuaded, that that assembly will think the opinion of the ministry of France worthy some attention, and that they will not be afraid of neglecting or betraying the interests of the United States by adopting it *as a rule* of their conduct." Adams entered into a long vindication of his views. It was met by information of the intended expedition of De Ternay and Rochambeau. Adams could not be silent. He answered with little con-

sideration, when Vergennes, indisposed to altercation, announced to him, "that Franklin being the only person who has letters of credence to the king from the United States, it is with him only that I ought and can treat of matters which concern them." He forthwith complained to Franklin, requesting him to transmit to Congress copies of this correspondence, which Franklin did, stating his own well-founded dissatisfaction. "It is true, that Mr. Adams' proper business is elsewhere, but the time not being come for that business, and having nothing else here wherewith to employ himself, he seems to have endeavored supplying what he may suppose my negotiations defective in. He thinks, as he tells me himself, that America has been too free in expressions of gratitude to France; for that she is more obliged to us than we to her; and that we should show spirit in our applications. I apprehend that he mistakes his ground, and that this court is to be treated with decency and delicacy." *

The action of Congress was significant. Having authorized the depreciated scale in the value of the Continental currency, they approved Adams' vindication of it; and, alarmed at his indiscretion, perilling the friendship of their important ally, they informed him, that the opinion of the minister of France "relative to the time and circumstances proper for communicating his powers and entering upon the execution of them, was well founded;"— that they had no expectations from the influence which the people may have upon the British counsels, nor that a change of ministry would produce a change of measures; and cautioned him not "to be influenced by presumptions of such events, or their probable consequences." †

* 2 D. C. 164. † 2 S. J. 393.

Affrighted himself at the offensive character of his last letter to Vergennes, Adams, on the day of its date, without waiting an answer, fled from Paris to Amsterdam.*

Dispatches from Jay were received late in the year. They represented that all the letters addressed to him were opened, that the assurances of aid were not fulfilled, and expressed a strong suspicion that it was the policy of France † so to manage, that the United States and Spain should be debtors to her for any concession either nation should make to the other.‡

On the fourth of October,§ Congress acted upon this letter, and upon certain instructions from Virginia. They resolved unanimously to insist upon the right of the United States to the navigation of the Mississippi, into and from the sea; to require a free port at its outlet, if the unlimited freedom of its navigation could not be had below their southern limits; and "to adhere strictly to the boundaries as already fixed by them."

Instructions‖ to this effect were sent to Jay, with a statement drawn up by Madison, enforcing, at length, the claims of the United States to all the territory east of that river, insisting that, as it was embraced within the charters of particular States, it could not be relinquished by Congress without embarrassment, and vindicating their right to the navigation of that river to the ocean.

No progress was made in the negotiations at Madrid; every effort to obtain aid was unsuccessful; every approach to a direct engagement was met with a frivolous

* D. C. 5, 307. July 27, 1780.

† Nov. 5, 1780. Jay writes to Gouverneur Morris: "The French ambassador here has excellent intelligence from your city. I know but little of what passes among you."—Jay's Life, i. 114.

‡ 7 D. C. 218–220. § 1780. ‖ 2 S. J. 326.

pretext. No support was obtained from the resident minister of France at that court, and a formal annunciation was made to Jay, that no money was to be expected, "and that that which would have facilitated a far-advanced negotiation, was likely to produce no effect, in a great measure through the undermining *of some persons of rank in France.*" *

Relying on the assurances of Spain, large drafts had been accepted, and strong representations were made to induce her to pay them. They failed, and the American envoy was at the same time told, that the navigation of the Mississippi would never be relinquished.

Thus far, the foreign policy of the United States had been directed by a spirit in Congress worthy their cause, and the prospective greatness of their country. In the States north of the Potomac, no disposition was evinced toward any sacrifice of national interests. The minds of the brave yeomen amid disaster and disappointment were firm. Nor in the three most southern States, invaded and despoiled by the successive occupation of the enemy, were the hearts or the counsels of their gallant people shaken.

But Virginia had passed under a different rule. Recent as was her assertion of the right of the navigation of the Mississippi, on the second of January, the very day that her governor and legislature abandoned Richmond to Arnold, a resolution passed on that subject. It was enclosed to Congress by Jefferson, at the time, in correspondence with Marbois. By this document, after ceding "her lands north-west of the Ohio, to be formed into republican States, and sold as a common fund for the benefit of the Union"—a cession she had refused, and

* 7 D. C. 863.

which, it has been seen, by her subsequent protest and requiring a guarantee, she for a long time rendered of no effect—Virginia resolved, "that the navigation of the Mississippi should be claimed only as co-extensive with her territory," and instructed her delegates "that every other and further demand should be ceded, if insisting on the same is deemed an impediment to a treaty with Spain."

In obedience to this resolution,* Madison prepared an instruction† to Jay—to *recede* from the instructions he had himself previously drawn, "so far as they insist on the free navigation of that part of the Mississippi which lies below the thirty-first degree of North latitude, and on a free port or ports below the same, provided such cession shall be unalterably insisted upon by Spain;" and

* Col. Grayson, of Virginia, calls it "a *disgraceful proposition*."—Debates in Virginia Convention.

† 1 Mad. 66, Madison says—"In this important business, which so deeply affects the claims and interests of Virginia, and which I know she has so much at heart, I have not the satisfaction to *harmonize in sentiment* with my colleague." "He," Colonel Bland, "has embraced an opinion that we have *no just claim to the subject* in controversy between us and Spain, and that it is the *interest of Virginia not to adhere to it*."

In the Life of Arthur Lee, vol. ii. 384–5, Nov. 20, 1786, a letter from Col. Bland to Lee is to be seen. Bland writes—"I *cannot agree* with you on the policy of Spain or the Eastern States to relinquish to Spain the navigation of the Mississippi, *even for a moment*. It is a *right* which we have confirmed to us by treaty. It is a right which *nature* has given us. *It is a right which nature will claim*. It is a right which it is impossible in Spain to deprive us of; and in the attempt, she has shown that she considered it a right. Why else should she endeavor to barter another privilege for it? Have you not mistaken the effect of the exclusion? I rather think that, could it be carried into execution, it would *stifle the germ of agriculture and improvement*."

As such were the sentiments of Bland, the statements of Madison on this subject partake of his frequent inaccuracy.

In a letter of Madison, App. to vol. i. p. 21, he says—"Congress seized the *first* moment also for revoking their instruction to Mr. Jay." This is a slight inaccuracy; this instruction was not revoked until late in the following year.

provided a guarantee is given of its navigation above that latitude in common with the subjects of Spain. Every possible effort was to be made to obtain the use of the river with a free port below.* This instruction passed.†

The impolicy of this procedure was manifested by the conduct of Spain. Though intended to be secret, it was made known to her before the information of it reached the American envoy at Madrid. Convinced that this great object was secured, no motive existed to depart from the policy she had adopted. Nothing was promised or denied, but a clue was given to her purposes by the observation of her prime minister to Jay, "that all these affairs could with more facility be adjusted by a *general peace* than now; for that such a particular and even secret treaty with us might then be made, as would be very convenient to both." Discouraging as every appearance was, the mission was prosecuted with diligence, patience, firmness, and discernment, until all efforts proved fruitless. Two hundred years had not effaced from her iron memory how much she had suffered by a revolt. She now saw in every throe of liberty the loss of her western empire; nor, could she have forgotten it for a moment, would bigotry have failed to remind her that it was a revolt of heretics.

A few days after Congress had yielded in relation to the navigation of the Mississippi, the French ambassador transmitted to them a letter from his king, assuring them of his determination to assist them as far as his own wants and the extraordinary and enormous expenses of the war would permit. This communication was followed by a memorial showing the extent of the proposed

* 2 S. J. 397.

† Massachusetts, Connecticut, North Carolina—negative. New York—divided.

aids, but announcing that the second division of the French army could not be expected that campaign.

A second memorial was presented on the twenty-sixth of May. It announced the acceptance by Great Britain of the offered mediation of Russia, she appearing to desire the emperor of Germany as a co-mediator—the pleasure it gave the king of France—his refusal, nevertheless, to accept it without the consent of his allies. This consent he wished. He asked Congress to "announce through their plenipotentiaries their disposition to peace and their moderation, and to convince the powers of Europe, that independence and the fulfilment of their engagements with France were their sole motives to continue the war. The manner of conducting the negotiation, the extent of the powers of the American plenipotentiaries, *the use to be made* of them, and the confidence that ought to be reposed in the French plenipotentiaries and the king's ministers, were points which should be fully discussed with a committee." The appointment of such a committee was requested, and Congress were exhorted in the mean time to redouble their exertions.

Two days after, a conference was had with the French envoy. It is of a marked character. Apprehensive lest Adams, now in Holland, and Dana, who had been chosen, in the previous month of December, minister to Russia, should interfere with the views of France, Vergennes felt the importance of obtaining over these functionaries an absolute control.

La Luzerne mentioned the approval by the council of the king, of recent resolves of Congress as to the league of the Neutral Powers, and that they would be very agreeable to the empress of Russia; but they were not of the same opinion as to the mission of Dana. Russia, professing the greatest impartiality, could not receive him.

It therefore appeared "to be at least premature; and the opinion of the council is, that this deputy ought not to make use of his powers at this moment." Still they promised to facilitate his admission to that court. He then proceeded to comment on the conduct of Adams. He stated "circumstances to prove the necessity" that Congress should draw a line of conduct to that minister, of which he might not be allowed to lose sight." He "dwelt especially on the use Adams thought he had a right to make of his powers to treat with Great Britain," observing, "if Congress put any confidence in the king's friendship and benevolence, if they were persuaded of his inviolable attachment to the principles of the alliance, and of his firm resolution constantly to support the cause of the United States, they would be impressed with the necessity of prescribing to their plenipotentiary a perfect and open confidence in the French ministers, and a thorough reliance on the king; and would direct him to take no step without the approbation of his majesty; and after giving him, in his instructions, the principal and most important outline for his conduct, they would order him, with respect to the manner of carrying them into execution, to receive his directions from the Count de Vergennes, or from the person charged with the negotiation on the part of the king." "The most perfect independency," he declared, "is to be the foundation of the instructions to be given to Adams, and that without this there would be no treaty at all." He pressed Congress to have the instructions given to him "with all possible dispatch," and narrated an attempt of England by a secret negotiation to conclude a separate peace with Spain. That court was, he stated, "removing as far as possible, in the negotiations, with the proposed mediators. every idea of acknowledging the independence of what

they called their thirteen colonies; and urged this as a motive upon Congress for securing their good will, by presenting their demands with the greatest *moderation* and *reserve*, save independence, which will not admit of any modification."

The importance that Adams should exhibit confidence in the plenipotentiary of the king of France, was again urged; and the possibility of a truce being proposed showed the necessity of his being authorized eventually to declare their intention therein.

"The great object," La Luzerne concluded, ".was to secure the United States from the proposition of *uti possidetis*, and the surest way to obtain that end was to reduce the English to confess that they are not able to conquer them."

A further gratuitous subsidy of six millions of livres was announced, making in the whole the sum of fourteen millions since the beginning of the year eighty. Nor was this, he observed, the only recent service. At the urgent instance of Virginia, a naval detachment had been sent to her relief.

The suggestions of the French envoy were first acted upon on the sixth of June, by an instruction to Adams to accept the mediation of Russia, "but to accede to no treaty of peace which shall not be such as may effectually secure the independence and sovereignty of the thirteen States, according to the form and effect of the treaties subsisting with France, and in which those treaties shall not be left in their full force and validity." *

Thus the long-insisted-upon requisition of a preliminary acknowledgment of independence by Great Britain was abandoned, and the binding effect of the treaties of

* 2 S. J. 424.

France secured—the two objects which only interested that power.

A motion was made to submit the questions of boundary to the judgment and prudence of the plenipotentiary. This motion failed. Another, in effect to adhere to the previous instructions, also failed; and the adjustment of the boundaries was finally left to the discretion of the negotiator.

He was directed "to make the most candid and confidential communications upon all subjects, to the ministry of France, to undertake nothing in the negotiations for peace without their knowledge and concurrence, and to make them sensible how much we rely upon his majesty's influence for effectual support, in every thing that may be necessary to the present security or future prosperity of the United States."

To this part of the instructions, regarded as directly bearing upon Adams, the only negative was that of Massachusetts.

The next day, a further instruction was given. "If a difficulty should arise in the course of the negotiation for peace from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree to a *truce*, or to make *such other concessions* as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the United States." The only negatives were those of Varnum, Bland, and Smith.

The imprudences of Adams, and the large discretionary powers conferred by these instructions, indicated the necessity of a plural commission. A resolution to this effect was offered, but was defeated by the united votes of New England, New Jersey, and of two delegates.

The instructions, as passed, were then directed to be communicated confidentially to the French envoy, and those previously given respecting a treaty of commerce with Great Britain were ordered to be revised.

The recent vote indicating reluctance to pass so marked a censure upon Adams as would be done by the association with him of other commissioners, La Luzerne insisted upon a modification of he instructions. At his instance, the confiding the question of boundaries and other interests to his (Adams') "own judgment and prudence," was stricken out; and he was enjoined not merely "to undertake nothing in the negotiations for a peace or a truce without the knowledge and concurrence" of the French ministry, but "*ultimately to govern himself by their advice and opinion.*"

This great point being gained, it was resolved to reconsider the vote against a plural commission. In the first instance, two persons were to be added, and Jay was forthwith chosen; subsequently two more, when the commission was filled with the names of Franklin, Laurens, and Jefferson. The motive to a submission to the control of France would thus seem to have ceased, and a reconsideration of the clause to that effect was moved the next day, but failed.* The affirmative votes were those of Massachusetts, Rhode Island, Connecticut, Delaware, Smith of Pennsylvania, Johnston of North Carolina, and Colonel Bland of Virginia. It is due to this gallant soldier to record, that while the vote of that State was given by Jones and Madison in its favor, he resisted in every stage this degradation of his country.†

* June 15, 1781.

† The clause as finally adopted ran thus—after referring to former instructions as to boundaries—"from which you will perceive the desires and expectations of Congress, but we think it unsafe, at this distance, to tie you up by

Two obstacles were still in the way of Vergennes. Dana might proceed to St. Petersburg and act independently there. It was resolved, that, until he could proceed there in a public or private capacity without risking the interest or dignity of the United States, he be appointed secretary to the new commission.

The next thing was to carry into effect the direction previously given, to revise the powers to Adams as to a treaty of commerce with Great Britain. The terms of his instructions have been stated. These, with specified reservations, gave him full discretion to treat on terms of equality and reciprocity. It was possible that she might avail herself of these powers, as by a commercial treaty she could avoid an express acknowledgment of independence, and in this mode the whole object of the recent derogatory instructions to be governed by France, would be defeated.

To prevent this result, a great stroke of policy was

absolute and peremptory directions upon any other subject than the two essential articles above mentioned. You are, therefore, at liberty to secure the interest of the United States in such manner as circumstances may direct, and as the state of the belligerent and disposition of the mediating powers may require. For this purpose, you are to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France; to *undertake nothing* in the negotiations for peace or truce without their *knowledge* and *concurrence*; and *ultimately to govern yourselves by their advice and opinion*, endeavoring in your whole conduct to make them sensible how much we rely on His Majesty's influence for effectual support in every thing that may be necessary to the present security or future prosperity of the United States of America.

"If a difficulty should arise in the course of the negotiation for peace, from the backwardness of Britain to make a formal acknowledgment of our independence, you are at liberty to agree *to a truce*, or to make such other concessions as may not affect the substance of what we contend for; and provided that Great Britain be not left in possession of any part of the thirteen United States."

resorted to. Madison was in frequent communication with Marbois, and first in the confidence of the French mission. He moved an additional instruction, a few days after the choice of the additional commissioners. It provided, that Adams be instructed to enter into no treaty of commerce with Great Britain, "unless, in addition to the stipulations relative to the fisheries required by Congress in their instructions to him, all the objects included in their ultimatum relative to a treaty of peace, as the same stood prior to their instructions on that subject, of the fifteenth of June instant, be in such treaty of commerce explicitly acknowledged and stipulated to the United States."

The insuperable obstacle on the part of Great Britain, it had been fully ascertained, was a preliminary acknowledgment of independence. This original ultimatum required * it, as a preliminary article to any negotiation, that Great Britain shall agree to treat with the United States "as sovereign, free, and independent." Thus all possibility of exercising his powers by Adams would have been prevented. That such was the object of this motion, and not the securing a preliminary acknowledgment, must be inferred from the fact that the mover of the resolution voted for the instructions of the fifteenth of June, by which this previous acknowledgment of independence was waived, and it was to become merely an article of treaty.

This last motion was rejected, three States voting for it.† Baffled in this effort to interpose an impassable barrier to all direct negotiation with England, the only alternative that remained, was to withdraw his powers to form

* 2 S. J. 225.

† Connecticut, Virginia, and North Carolina—(Elsworth, Bland, and Smith, dissenting.)

a treaty, and at the instance of Madison the commission to Adams was revoked.*

Having succeeded in obtaining the entire control of the negotiation for peace, and, by the revocation of the powers granted to Adams, having closed the door upon Great Britain, it might have been supposed that France would have felt herself secure; but she still saw cause of apprehension. Adams was in Holland, England was represented at the Hague, and it was impossible to foresee the consequences of a negotiation being opened between them. These were to be prevented.

On his arrival at Amsterdam, Adams suggested the importance of maintaining an official agent there, and he was empowered to negotiate a loan; he soon after intimated the advantages to be derived from a resident embassy at the Hague. The suggestion was approved, and he was commissioned as minister plenipotentiary to the United Provinces.

As early as seventeen hundred and seventy-eight, the regency of Amsterdam had evinced a disposition to enter into commercial regulations with America. They applied to the States-general for a convoy to vessels carrying naval stores to France, and protested against a refusal of it. This gave a pretext to that nation to announce to them "the necessity of protecting their commerce, in order to enjoy the privileges of neutrality." This was not done, and a rescript was issued by France excluding Holland from those privileges, and interdicting a part of her productions. These decisive measures produced the intended effect, and a naval force was directed by the States-general to be equipped for that purpose.

Soon after, an American squadron under the com-

* July 23, 1781; vol 4, no. 36, State Department; Madison seconded by Sharpe.

mand of Paul Jones entered the Texel with several prizes. He was ordered to leave the waters of Holland. While there, an address was presented by the British minister, demanding the seizure of the king's vessels in the hands of a "pirate and an outlaw." This demand was not acceded to, but Jones was again commanded to sail. Having refused, with great indignation, the offer from the French ambassador of a letter of marque, he departed.

But a short time elapsed, when a plan of a treaty with the United States was framed by the authorities at Amsterdam. This drew an angry remonstrance from England. Measures of defence were taken by that city; orders in council were issued by Great Britain for hostilities, and St. Eustatia was captured. Adams resolved to seize upon this moment to make an impression. He addressed letters to the envoys of Russia, Denmark, and Sweden, announcing the resolution of Congress concurring with the regulations of the "marine treaty," and at the same moment asked of the French ambassador, the Duke de la Vauguyon, to aid him. The former did not answer his letters; the latter stated that he had no instructions on the subject. Relying on the support of several of the provinces, he presented a memorial to the States-general, and urged his reception at the Hague. He was discountenanced by Vauguyon, and was refused. In a conference between La Luzerne and Congress, they were informed that,* "on being apprised of the intention of Mr. Adams, to display his character as a minister, the duke gave him no assistance on that occasion, knowing the application would have no favorable issue."

The perseverance of Adams alarmed Vergennes, and within a few days after his powers to form a commercial

* 8 S. J. 35.

treaty with Great Britain had been revoked, the French ambassador appeared again before Congress. He stated the accession of Holland to the armed neutrality, the hostile acts of Great Britain, the opinion of the council of his king that a "*prudent* and *able* man" * should be sent to Holland with full powers; that it would likewise be advantageous to give *proper* instructions to that minister, and as it is impossible at this distance to have quick information, it would be proper to have further instructions given by Dr. Franklin, in order to avoid all inconsistency or contradiction, and that the political operations of Congress, aiming towards the same end, may of course be more successful. Had Franklin, as Adams alleged, been the "index of Vergennes," a better expedient could not have been devised by France to point the way to the American resident at the Hague; but neither this nor the hint as to the selection of "a prudent and able man," could be acted upon without offending New England.

The original instructions to Adams were, "to adopt, in whole or without any essential alteration," a plan of treaty, which was transmitted from Philadelphia, with restrictions "not to admit any thing inconsistent with the treaties with France, or not conforming to the proposed regulations of the Congress of northern powers."

The only device was, to limit these instructions; and with that view a report was adopted, which, after acknowledging this effort by the king of France to make a coalition with Holland, as a fresh proof of his solicitude for their interests, stated to the French minister the previous appointment of Adams, with special instructions to conform to the treaty with France, and empowered him to enter into a joint alliance with France and with Hol-

* 2 S. J. 466.—July 28, 1781.

land, on condition that no party shall conclude either truce or peace with Great Britain without the formal consent of the whole first obtained. In all *other* matters, he was to use his best discretion; and he was directed "to confer upon all occasions in the most confidential manner with his most Christian majesty's minister" at the Hague.*

While these measures were taken in America, Adams was invited by Vergennes to Paris, to consult upon the proposed mediation of Austria and Russia.

He announced his arrival; an audience was granted, and the subject was opened.†

The propositions of the mediators were upon the basis,‡ that a treaty should be negotiated between Great Britain and the American colonies without the intervention of any of the belligerent powers, but to be signed conjointly with that of those powers, and that there should be a general armistice for one year from a period to be defined. The comments of the American minister stated, that there would be no objection to such a separate treaty, consistent with their obligations to their allies, without the intervention of any of the belligerents, or (unless demanded) of the mediators. The conjoint signature was approved, but the proposed armistice or a truce, as suggested by Vergennes, was objected to, except under two express preliminary conditions:—the continuance of

* 2 S. J. 472—August 16, 1781.

† In his letter to Congress, he says—"The letter announcing my arrival I sent by my servant, who waited until the Count descended from the council, when he delivered it into his hand. He broke the seal, read the letter, and said he was sorry he could not see Mr. Adams, but he was obliged to go into the country immediately after dinner; that Mr. Adams 'seroit dans le cas de voir M. de Rayneval,' who lived at such a sign, in such a street. After dinner I *called* on M. de Rayneval, who stated the object, and an interview was appointed with the minister."—6 D. C. 92.

‡ 6 D. C. 100.—July 11, 1781.

the subsisting treaties until the acknowledgment of independence by Great Britain, and the antecedent removal of the British forces. This truce was to be of sufficient duration to imply a virtual relinquishment of the objects of the war, and to be agreed to before the opening of another campaign.

But the great question was stated to be, the acknowledgment of independence; and "as the United States can never consent that their independence shall be discussed before any sovereign," it was suggested, that if the imperial courts would "lay down, as a preliminary, the sovereignty of the United States, and admit their minister to a congress," a treaty might be commenced with Great Britain, "without any express acknowledgment of sovereignty until the treaty should be concluded." The reply of Vergennes, addressed to Adams as *agent* of the United States, represented the necessity of certain preliminaries being adjusted before the American minister could be admitted to the congress. His answer, proceeding on the supposition that it was intended to acknowledge the independence of the American States, proposed "that the character of their minister should be ascertained before any congress met, that he might take his place as soon as it opened. A second letter adverted to a most extraordinary suggestion—that the *separate States* of America should choose *an agent for each*, to attend the congress. Adams urged Vergennes not to countenance this idea, "apprising him, that though it had been mentioned only as a transient speculation, that he felt it to be a duty to inform him that Congress would remonstrate against it in the most solemn manner." No other correspondence passed upon this subject, but from the statement of La Luzerne to Congress, it appeared that England insisted upon the dependence of America being pre-

established, and that thus there would be no possibility of a mediation for peace.

Adams returned to Amsterdam, *approved* * and obeyed his last instructions. In order to learn whether he should visit the president of the States-general, he consulted Vauguyon, observing "that Congress had wisely enjoined it upon him to confer in the most confidential manner with his excellency, and that he had "made it a law to take no important step without his approbation." Vauguyon waited the orders of his principal, and informed Adams that the minister "sees no objection to the visit on the subject of his memorial, provided, *without any official writing*, he limited himself to the inquiry, whether his memorial had been the subject of deliberation, and what answer he should communicate to Congress." The memorial was referred for consideration; and after some delay—after the capture of Cornwallis and the victories of Greene had changed the British ministry, and peace was inevitable—France sanctioned his reception, and he was gratified by a public acknowledgment. During these interesting moments, he received a letter from the secretary of foreign affairs, disapproving his having printed his memorial, and having urged his admission to court. His reply shows his views of the effects of this measure,†

* 6 D. C. 198. Yet see Life of Adams, i 390.

† *John Adams to Congress.*—6 Dip. Corres. 258.—"The proposition to the President being taken *ad referendum*, it became a subject of the deliberation of the sovereignty. The prince, therefore, and the whole court, are legally bound to treat it with respect, and me with decency; at least, it would be criminal in them to treat me or the subject with indecency. If it had not been presented and printed, I am very sure I could not have long resided in the republic; and what would have been the consequence to the friends of liberty, I know not. They were so disheartened and intimidated, and the Anglomanes were so insolent, that no man can say that a sudden frenzy might not have been excited among the soldiery and people, to demand a junction with England, as there

and of the consequences of his firmness. It also discloses his indignation at the influence which had been exerted

was in the year 1748. Such a revolution would have injured America and her allies, have prolonged the war, and have been the total loss and ruin of the republic.

"Immediately upon the presentation of my memorial, M. Van Berckel ventured to present his *requête* and demand for a trial. This contributed still further to raise the spirits of the good people, and soon after the burgomasters of Amsterdam appeared with their proposition for giving the Prince a committee for a council, and in course their attack upon the Duke; all which together excited such an enthusiasm in the nation, and among the officers of the navy, as produced the battle of the Doggerbank, which never would have happened, in all probability, but would have been eluded by secret orders and various artifices, if the spirit raised in the nation by the chain of proceedings of which the American memorial was the first and an essential link, had not rendered a display of the national bravery indispensable for the honor of the navy, and perhaps for the safety of the court.

"The memorial, as a composition, has very little merit; yet almost every gazette in Europe has inserted it, and most of them with a compliment; none without any criticism. When I was in Paris and Versailles afterwards, no man ever expressed to me the smallest disapprobation of it, or the least apprehension that it could do any harm. On the contrary, several gentlemen of letters expressed higher compliments upon it than it deserved. The King of Sweden has done it a most illustrious honor, by quoting one of the most material sentiments in it, in a public answer to the King of Great Britain; and the Emperor of Germany has since done the author of it the honor to desire in the character of Count Falkenstein to see him, and what is more remarkable, has adopted the sentiments of it concerning religious liberty into a code of laws for his dominions,—the greatest effort in favor of humanity, next to the American Revolution, which has been produced in the eighteenth century.

"As my mission to this Republic was wisely communicated to the Court of Versailles, who can say that this transaction of Congress had not some influence in bringing De Grasse into the Chesapeake Bay? Another thing I ought to mention; I have a letter from Mr. Jay, informing me that in the month of June last, M. Del Campo was appointed by the Court of Madrid to treat with him; the exact time when my memorial appeared at Madrid. You may possibly say that my imagination and self-love carry me extraordinary lengths; but when one is called upon to justify an action, one should look all around. All I contend for is, that the memorial has certainly done no harm; that it is probable it has done some good, and that it is possible it has done much more

against him, charging expressly, that it was the design of the French "to keep us dependent upon them, that we

than can be proved. A man always makes an awkward figure when he is justifying himself and his own actions, and I hope I shall be pardoned. It is easy to say, '*Il abonde trop dans son sens; il est vain et glorieux; il est plein de lui-même; il ne voit que lui;*' and other modest things of that sort, with which even your Malesherbes, your Turgots, and Neckers are sometimes sacrificed to very small intrigues.

"Your veterans in diplomacy and in affairs of state consider us as a kind of militia, and hold us, perhaps, as is natural, in some degree of contempt; but wise men know that militia sometimes gain victories over regular troops, even by departing from the rules. Soon after I had presented the memorial, I wrote to the Duc de la Vauguyon upon the subject of inviting or admitting, in concert, the Republic to accede to the alliance between France and America. The Duke transmitted that letter to the Count de Vergennes, which produced the offer to Congress from the King, to assist us in forming a connection with the Republic, and the instructions upon the subject, which I shall execute as soon as the French ambassador thinks proper. With him it now lies, and with him, thank God, I have hitherto preserved a perfectly good understanding, although I differed from him in opinion concerning the point of time to make the former proposition.

"The evacuation of the barrier towns has produced an important commentary upon the conversation I had with the Duke, and his opinion upon that occasion. How few weeks was it, after the publication of my memorial, that the Roman emperor made that memorable visit to Brussels, Ostend, Bruges, Antwerp, and all the considerable maritime towns in his provinces of Brabant and Flanders? How soon afterwards his memorable journeys to Holland and to Paris? Was not the American memorial full of matter for the Emperor's contemplation, when he was at Ostend, Antwerp, and Bruges? Was it not full of matter, calculated to stimulate him to hasten his negotiations with France concerning the abolition of the barrier towns? Was not the same matter equally calculated to stimulate France to finish such an agreement with him, as we have seen the evidence of in the actual evacuation of those towns? If this evacuation is an advantage to France and to America, as it undoubtedly is, by putting this Republic more in the power of France, and more out of a possibility of pursuing the system of Orange by joining England, and my memorial is supposed to have contributed any thing towards it, surely it was worth the while.

"The period since the fourth of May, 1781, has been thick sown with good events, all springing out of the American Revolution, and connected with the

might be obliged to accept such terms of peace as they should think would do for us."

matter contained in my memorial. The memorial of M. Van Berckel; the proposition of the burgomasters of Amsterdam; their attack upon the Duke of Brunswick, and the battle of Doggerbank; the appointment of Señor del Campo to treat with Mr. Jay; the success of Colonel Laurens, in obtaining orders for the French fleet to go upon the coast of America; their victory over Graves, and the capture of Cornwallis; the Emperor's journey to his maritime towns, to Holland, and to Paris; his new regulations for encouraging the trade of his maritime towns; his demolition of the barrier fortifications; and his most liberal and sublime ecclesiastical reformation; and the King of Sweden's reproach to the King of England for continuing the war, in the very words of my memorial;—these traits are all subsequent to that memorial, and they are too sublime and decisive proofs of the prosperity and glory of the American cause to admit the belief that the memorial has done it any material harm.

"By comparing facts, and events, and dates, it is impossible not to believe that the memorial had some influence in producing some of them. When courts, princes, and nations have been long contemplating a great system of affairs, and their judgments begin to ripen, and they begin to see how things ought to go, and are going, a small publication, holding up these objects in a clear point of view, sometimes sets a vast machine in motion at once, like the springing of a mine. 'What a dust we raise!' said the fly upon the chariot wheel. It is impossible to prove that this whole letter is not a similar delusion to that of the fly. The councils of princes are enveloped in impenetrable secrecy. The true motives and causes which govern their actions, little or great, are carefully concealed. But I desire only that these events may be all combined together, and then, that an impartial judge may say, if he can, that that homely harmless memorial had no share in producing any part of this great complication of good.

CHAPTER XXXIV.

THE policy which dictated the recent resolution as to Dana, is seen to govern in Europe.

Franklin, being apprised by him of his commission to Russia, advised him to communicate it to Vergennes, and to take his opinion, whether it would be proper to disclose his powers to the court at St. Petersburg, and obtain their approval before he proceeded thither.

Vergennes informed Dana, "that he would run the risk of exposing his person and the dignity of the United States, if he assumed any character whatever in Russia, while the empress had not acknowledged the independence of the United States, and expected to act the part of mediatrix, which demanded the most perfect impartiality." *

Dana, convinced that it was the policy of France not to render the United States "independent" by new allies, proceeded to Russia as a common traveller.

His instructions indicated it "as a leading and capital point, that the United States should be formally admitted as a party to the convention of maritime powers," and

* S. J. iii. 31.

directed him to communicate the general object of his mission to the resident envoy of France.

On arriving at St. Petersburg, he consulted that envoy, who evinced a decided repugnance to the disclosure of his objects or powers. As the fortunes of the United States rose, repeated applications were made to him for an introduction to the court. They were discouraged, until at last—tied down by his instructions, and convinced that, alone and unsustained, his reception would be refused—he apprised congress of his position, and of the necessity of douceurs to the Russian cabinet before a negotiation could be opened. Thus, by the complicated policy of France, America stood dumb before the nations of Europe.

This letter of Dana was referred to a committee, of which Madison was chairman. Hamilton saw the advantages, though remote, of opening a commerce with Russia, provided a treaty could be formed on equal terms without bestowing presents. With this view, he moved that Dana "be informed that the treaties lately entered into for restoring peace, have caused such an alteration in the affairs of these states, as to have removed the primary object of his mission to the court of Russia—the acquisition of new supports to our independence. That with respect to a commercial treaty with Russia, they consider the benefits of it to this country in an extensive degree as rather remote, and have therefore little present inducement to enter into it besides a desire of cultivating the friendship of that court, and preserving a consistency with the disposition already manifested towards forming a connection therewith; and also of laying the foundation of a future intercourse, when the circumstances of the two countries may be more favourable to the same. That as *experience* will enable both nations to form a better judgment hereafter of the principles upon which that inter-

course may be most advantageously conducted, congress would wish any treaty now formed to be of *temporary* duration and limited to a fixed period. That in this view, unless he shall have already formed engagements or made proposals from which he cannot easily recede, of a more indefinite and extensive nature before this reaches him, he be instructed to confine the duration of the proposed treaty of commerce to fifteen years, agreeable to the term limited in a similar treaty with Sweden, and to stipulate expressly that it should be subject to the revisal of congress, and that in all matters he insist upon exact reciprocity." As to the proposed douceur, "that he be informed, as by the confederation no persons holding offices under the United States are permitted to receive presents from foreign powers, so it is not consistent with the situation or policy of these states to adopt that practice in their transactions with other nations." After two divisions, one of which was on a modification of the prohibition of douceurs at the instance of Madison, so as to permit the payment of any that might have been stipulated, this motion failed.

On the following day, Madison proposed an instruction to *decline* making any propositions for a treaty with Russia unless Dana was pre-committed; and if so, to limit it to fifteen years, omitting the prohibition of presents. This was defeated, and a substitute offered by Elsworth, to limit the duration of any treaty then in progress to fifteen years, subject to revisal, passed unanimously.

The question of acceding to the armed neutrality had been raised in the course of this debate by Hamilton. He offered as an amendment this important declaratory resolution:—

"That though congress approve the principles of the armed neutrality founded on the liberal basis of a maintenance of the rights of neutral nations and of the pri-

vileges of commerce, yet they are unwilling, at this juncture, to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe; and, therefore, if such a progress is not yet made in this business as may make it dishonourable to recede, it is their desire that no further measures may be taken at present towards the admission of the United States into that confederacy." This amendment was referred, and a report subsequently passed, which stated, "that as the primary object of the proposed accession to the neutral confederacy no longer can operate, and as the true interest of these states requires they should be as little as possible entangled in the politics and controversies of European nations," it was inexpedient to renew the powers of Dana.

It approved the liberal principles of that confederacy, but directed the American commissioners, "in case they should comprise in the definitive treaty (with Great Britain) any stipulations amounting to a recognition of the rights of neutral nations, to avoid accompanying them by any engagements which shall oblige the contracting parties to support those stipulations by arms." Thus it is seen that at Hamilton's instance the great principle which should be especially the governing maxim of a republic, the principle of an absolute neutrality, was inscribed on the front of our national councils.* It is an evidence of the wisdom of this resolution, that each of the parties to the armed neutrality entered into engagements within thirteen years after its origin, in direct contravention of it.

France was still pursuing her system studiously. Various communications were made from time to time by La

* Madison, vol. 1, p. 454, 460, does not give these important proceedings. He merely refers to the secret journal, and adds that the passage relating to the armed neutrality was generally concurred in, and assigns certain reasons for the disagreements as to the treaty of commerce with Russia.

Luzerne, the objects of which were to prepare congress for such concessions as it might be her policy to require. In one instance they were informed that if she did not obtain "for every state" all they wished, the sacrifice must be ascribed to necessity; and he expressed "his satisfaction at the extensive powers with which the ministers are invested as to the matter of boundary and the *truce*, which, he said, "the interests of France as well as of the United States, require to be as *long* as *possible*." They were subsequently reminded of the consequences to be apprehended from the rejection of "*reasonable terms*." Massachusetts understood this language, and on the twenty-seventh of October, seventeen hundred and eighty-one, instructed her delegates "in a future settlement of peace to insist" upon the fisheries. This act was referred* the following month.

A report was then prepared by Madison,† containing new instructions to the American commissioners. By this report the previous territorial limits were to be insisted upon. As the common right of fishery was an attribute of sovereignty, France was urged to obtain a stipulation in favour of it, but if not attainable, by no means to surrender it. It required that there should be no engagement for the restitution of confiscated property, nor for the return of fugitives or exiles, as "any such stipulation would not only be dishonourable to the governments of these states, but obnoxious to the people at large."

"It is not," it added, "unworthy of the circumspection of his most christian majesty, to reflect whether the restoration of those persons *may not produce an unequal competition* with *his* subjects, in trade. Many among them, besides the advantage which they possess from the knowledge of our language, have accurately informed themselves

* To Madison, Carroll, and Lovell.

† Vol. 1, No. 20, MSS. in department of state.

of the nature of our commerce from actual experience." And it proposed, "that no stipulation should be admitted limiting the power of the United States to impose restrictions on British commerce, assigning as the motive, that this power "alone will leave to his allies the future opportunity of manifesting their preference of his interests to those of his enemies and rivals."

This report was amended,* and on the eighth of January following was laid before the house. Having admitted that the fisheries and other claims of the United States were not to be included in the ultimatum, it instructed their ministers "to acquaint his most christian majesty, that, notwithstanding the occasion presented to the United States by the signal and various advantages gained over the enemy, of enlarging their ultimatum for peace, the firm reliance which congress have on the friendship and influence of his majesty, has determined them not to depart from their (previous) resolution, *by which all the objects of their desires and expectations*, excepting only the independence of the United States and *their alliance* with *his majesty*, are *eventually submitted to his councils*. But in order to make him more fully sensible of the extent and foundation of these desires and expectations, have thought it expedient that some observations should be made to him relative to the several objects which are most likely to fall within the compass of negotiation."

The objects were then stated. They were the boundaries—the fisheries—the exclusion of any provision for the restoration of confiscated property. Again adducing as the motive, that it will leave his allies the future opportunity of manifesting their preference of his interests to those of his enemies and rivals, "Congress," it declared, "do for these reasons, most *earnestly desire, expect*, and *entreat*," that his

* 3 S. J. 151.—1782. Madison, Lovell, Carroll.

majesty will spare no effort to exclude any restraint upon the United States from imposing on the trade of Great Britain any duties, restrictions, or prohibitions, which may hereafter be judged expedient, unless, and so far only, as a relaxation in this point may be essentially necessary for obtaining peace or the several objects above mentioned.

The views of the French ministry, and the nature and extent of their influence, are also shown in a despatch from Marbois, then secretary of the French legation, dated at Philadelphia, on the thirteenth of March, seventeen hundred and eighty-two.* It stated "that a delegate from congress, lately arrived in Carolina, has, it is said, been chosen governor. He has communicated to the persons of most influence in this state the ultimatum of the month of..... last, who approved of the clauses in general, and particularly that one which leaves the king *master* of the terms of the treaty of peace or truce, excepting independence and treaties of alliance. A delegate from South Carolina told me that this ultimatum was equally well known to persons of note in this state, and this had given entire satisfaction there. It is the same with regard to several other states; and I believe I may assure you, upon the testimony of several delegates, that this measure is approved by a great majority."

It apprised the court of the excitement in Massachusetts as to the fisheries, and suggested, as a means of preventing the success of the advocates of them, that the king should cause "his surprise to be intimated to congress or to the

* Madison observes: "Marbois lately took occasion in our family to complain of ungenerous proceedings of the British against individuals, as well as against their enemies at large; and finally signified that he was no stranger to the letter transmitted to congress, which he roundly averred to be spurious."—Madison Papers, vol. 1, p. 531. See Life of Jay, vol. 1, p. 146, which states that "*he acknowledged it to be his*," to "a gentleman employed in the foreign service of the United States."

ministers, that the Newfoundland fisheries have been included in the new instructions; that the United States set forth *pretensions* without paying regard to the *king's rights*, and without considering the impossibility they are under of making conquests and keeping *what belongs to Great Britain*. A declaration that France was not bound as to the other fisheries was urged, while New-York, Charleston, and Penobscot, were in the enemy's hands.—"Our allies will be less tractable than ever upon these points whenever they recover these important posts." "There are some *judicious persons* to whom one may speak of giving up the fisheries, and the (*lands*) of the west, for the sake of peace. The advocates for peace are those who live in the country. The inhabitants of towns do not wish for it; but it is a happy circumstance that this division is nearly equal in the congress and among the states, since our *influence can incline the beam either for peace or war, whichever way we choose.*"

The intelligence of the capture of Yorktown, had determined the British ministry to renew their efforts to negotiate directly with the United States. A letter* was addressed to Franklin by David Hartley, after a conference with Lord North, suggesting, as general grounds of a proposed negotiation tending towards peace under liberal constructions, that "the question of dependence or independence should remain sub-silentio and for a separate treaty." Franklin's reply treated with just indignation the idea of a separate peace, and quoted the treaty of alliance with France, stating that the "great difficulty may be easily got over, as a *formal acknowledgment of our independence* is not made necessary."†

Another agent was despatched for a similar purpose to Adams, who opposed all idea of a truce, adding, that the powers of the commissioners were known.

* December, 1781. † 3 D. C. 284.

Lord North, whose object was represented to have been to draw the United States into a separate negotiation, and thus to excite the distrust of France, resigned. An overture was then made* by his successors through Lord Cholmondelly; and a letter was written by Franklin to Lord Shelburne, conveying his wishes for a *general peace.* This induced the mission of Richard Oswald to Paris, by whom an interview was had with Franklin and Vergennes, in which the readiness to enter into a joint negotiation by all the allies for a *general peace* was avowed.

A similar overture was at the same time made to Adams, in which it was inquired, "whether there was any authority to treat of a separate peace; and, whether there could be any accommodation upon any terms short of independence." He replied "that a *tacit* or express acknowledgment of independence was indispensable," and "that no treaty could be made, separate from France." Franklin, alluding to this letter, intimated that from a recent "act" as to prisoners, it will be less difficult for them to acknowledge it expressly. Referring to a former letter, Adams stated, "that when he hinted that he thought an express acknowledgment of independence might now be insisted on, he did not mean that we should insist upon such an article in the treaty. If they make a peace with the United States of America, this is acknowledgment enough for me."

Oswald was followed by Grenville. His first commission was merely to treat with France; a second was obtained, extending his powers to "any other prince or state," with instructions to propose the independence of the United States in the *first instance,* and "not as" a *condition of a general treaty.*

At this moment the Rockingham ministry was broken

* April 14, 1782.

up. Fox and his friends, who had advised the preliminary acknowledgment of independence, resigned, and Lord Shelburne, who, in conformity with the feelings of the king, had opposed it, took the first place in the cabinet. Acting upon his previous policy, Shelburne declared in the house of lords, "that whenever parliament should acknowledge the independence of America, the sun of England's glory was set forever."

As this acknowledgment became the vital question in the negotiation, it is necessary to advert to previous circumstances. It has been seen that Franklin had not considered this as a preliminary to be insisted upon, acting in obedience to the instructions of the fifteenth of June, seventeen hundred and eighty-one, dictated by France. When those instructions were received by him, in his letter to the president of congress, after stating* "the satisfaction of Vergennes with the unreserved confidence in his court," and his assurance that it would not be abused, he observed,—"I cannot but think the confidence well and judiciously placed, and that it will have happy effects."

A not less decided approval of this commission was expressed by Adams; he accepted it with satisfaction, declaring that he thought "it a *measure essentially right;* that it was a demonstration of greater respect to the powers of Europe, and must be *more satisfactory to the people of America* than any former one."†

What his actual opinions as to France were, it is not easy to judge. He declared "that France was the natural friend of the United States, America the natural friend of France; that England was the natural enemy of France, and therefore of the United States."‡ But he also stated, "that to form immediate commercial connections with that

* 3 D. C. 236.

† 6 D. C. 160-2.—October 4, 1781.

‡ 5 D. C. 105.

half of Europe which ever has been, and with little variation ever will be, *opposite* to the house of Bourbon, is a fundamental maxim of that system of American politics which I have pursued *invariably since the beginning of this war.*"* He avowed that "every suspicion of a wavering disposition in (her) court concerning the support of American independence is groundless, is ridiculous, is impossible;"† but he also asserted, that "the policy of France, from his first observation of it to this hour, had been as averse to other powers acknowledging the independence of America, as England had been."‡

When these instructions were received by Jay, he acknowledged to congress the confidence evinced in him, and his readiness to serve in any capacity. But he remarked, "As an American, I feel an interest in the dignity of my country, which renders it difficult for me to reconcile myself to the idea of the sovereign, independent states of America, submitting, in the persons of their ministers, to be absolutely governed by the advice and opinions of the servants of another sovereign, especially in a case of such national importance." He admitted the "gratitude and confidence" due to France, that it would probably be in her power "almost to dictate the terms of peace;" but he declared that he did not believe that America, thus casting herself into the arms of the king of France, would advance either her interest or her reputation with that or other nations, and therefore entreated to be relieved from a station, where, in character of minister, he must receive and obey, (under the name of *opinions,*) the directions of those "on whom he really thought no American minister ought to be dependent."§ This letter was dated in September, seventeen hundred and eighty-

* 7 D. C. 255. ‡ 4 D. C. 292. † 6 D. C. 509.
§ 7 D. C. 451.

one. It was followed by another, asking permission, in consequence of ill health, and because no prospect existed of any benefits from Spain, to visit either France or Holland. Congress passed a resolution approving his opinions as to the Mississippi, and had appointed him a commissioner to treat for peace, yet, at the moment when every probability existed of a negotiation being opened at Paris, would not grant him permission to leave Spain, and proceed to the place where this negotiation was to be conducted. Other motives may have influenced their decision; but it is not an improbable conjecture, that his sentiments as to the policy of France, and the indignation he had expressed as to his instructions, had weight in this determination.

The daily subterfuges of Spain, countenanced by the ambassador of France, satisfied Jay that Spain had resolved not to acknowledge the independence of the United States. He declared, "that many reasons induced him to think that France did not, in fact, wish to see us treated as independent by other nations until after a peace, lest we should become less manageable in proportion as our dependence on her shall diminish; and that England would be the first nation to acknowledge that independence." Yet he properly affirmed, "that as long as France continued faithful, that we ought to continue hand in hand to prosecute the war, until all their as well as all our reasonable objects can be obtained by a peace; for that he would rather see America ruined than dishonoured."

Having received an invitation from Franklin to join him, Jay soon after proceeded to Paris, where he had the patriotism to act upon his commission, and the firmness to disregard his instructions. On his arrival there, on the twenty-third of June, he found the aged minister alone; Adams being yet in Holland, Laurens a prisoner in England, Jefferson, deterred, as he says, "by the uncommon

vigilance of the enemy's cruisers," remaining in America.* †

The British minister had in the interval employed agents to ascertain the disposition of the American commissioners, as to a waiver of an express recognition of the independence of their country. They reached Paris after Jay's arrival there, and returned convinced that every attempt to inveigle the United States must fail.

These overtures alarmed Vergennes.‡ He saw that the capture of Yorktown had placed England and the United States in a position which must result in peace. How to control its terms, was with him the only remaining question, wearied as France was with the continued demands for aid. His efforts to exclude the United States from a general congress, and to prevent a direct negotiation with Great Britain, had succeeded. Thus Paris was still the seat of negotiation. It was important to thwart any attempts

* Jay's Life, vol. 1, p. 170.

† "Such was the state of my family, that I could not leave it, nor could I expose it to the dangers of the sea, and of *capture* by the British ships then covering the ocean. I saw, too, that the labouring oar was really at home, where much was to be done of the most permanent interest, in *new modelling our governments*, and much *to defend our fanes and firesides* from the desolations *of an invading enemy*, pressing on our country in every point."—Jefferson's Works, vol. 1. p. 41.

‡ "The letter in the first page of the Gazette of this morning," Madison wrote Randolph, "was written by Mr. Marbois. In an evening of *promiscuous* conversation I suggested to him my opinion that the insidiousness of the British court, and the good faith of our ally, displayed in the late abortive attempt of the former to seduce the latter, might with advantage be made known, in some form or other, to the public at large. He said he would think of the matter, and next day sent me the letter in question, with a request that I would revise and translate it for the press, the latter of which was done. I mention this, that you may duly appreciate facts and sentiments contained in this publication." This was suggested by propositions of England for a separate peace—called by Madison an "insidious step."—1 Mad. 131 141. It may be asked, Did England form the alliance against herself? Was she bound to respect it?

to transfer it elsewhere. With this view a verbal communication was made by the French minister to the secretary of foreign affairs, calling upon congress to declare, "that in case commissioners offered to treat upon this continent, they should be referred to the ministers of the United States, who are provided with *instructions* on this subject in Europe; that the court of London should address itself to these, and that it is *impossible that the seat of negotiation should be in America.*"*

This suggestion produced the desired result. A resolution† was reported by Madison, which declared, in case such overtures should be made, that "congress will not depart from the measures which they have heretofore taken *for preventing delay*, and for conducting the discussions in confidence and in concert with his most christian majesty."

Madison's report of January had, in the mean time, remained with the committee to which it was referred. It was not brought forward until August, when a paper was presented to congress, prepared by Edmund Randolph, containing facts and observations on the claims not included in the ultimatum of the fifteenth of June, seventeen hundred and eighty-one.

This report was in conformity with the previous one of Madison. A motion for revoking the power given to France was again made. "It was pushed," Madison wrote Randolph, "with the expected earnestness, but was *parried*, and will issue, I believe, in an adoption of your report, with a representation thereupon to the court of France."‡§

* 3 D. C. 297. † May 31, 1782.—3 S. J. 138.

‡ Madison Papers, v. 1, p. 159.

§ "In my last I informed you that the motion to rescind the control given to France over the American ministers had been *parried*, and would probably end in an adoption of your report. It *was parried* by a substitute so expressed as to give a committee sufficient latitude in reporting without

Another conference was had in September with the French envoy; on this occasion, extracts from several letters addressed to him by the Count De Vergennes, were read: one of the ninth of April, stating that "their joint efforts would be crowned with success, if on the one hand making the greatest exertions to procure the completest satisfaction, they on the other hand confined themselves within such bounds of *moderation** as would give no umbrage to any one of the powers at war with Great Britain." Others of the second of May and twenty-eighth of June were produced, intimating that it was now evidently the object of Great Britain to lessen her exertions on this continent, to adopt a defensive war, and having succeeded in one of these objects, to return against the United States with redoubled efforts. Congress were exhorted to declare that no peace but a general one would be attended to; they were assured that when the negotiations were entered into with sincerity, France would exert her good offices *on all points* connected with the prosperity of the United States; that congress were themselves sensible of the distinction between the conditions of *justice* and *rigour*, and those of *convenience* and *compliance*, which depended on the good or bad situation of affairs; that though the circumstances of the allies were very promising, such events might happen as might make it *advisable* to adopt the part of moderation. The necessity of England being convinced of the impossibility of treating separately was urged, and they were called on to proclaim that the United States would not make peace without the concurrence of their ally, and that if any

implying on the part of congress a design to alter past instructions; the composition of the committee appointed according well with the object of the substitute," &c.—Madison to Edmund Randolph.—Madison Papers, v. 1. 160.—August 20 1782.

* September 24, 1782.

overtures were to be made; the American plenipotentiaries were sufficiently empowered to receive them.

This communication was referred to a larger committee. Their report, after expressing the utmost confidence in the assurances and good offices of France, declared,* that "considering the territorial claims of these states as heretofore made, their participation of the fisheries, and of the free navigation of the Mississippi, not only as their *indubitable* rights, but as *essential* to their prosperity, they *trust* that his majesty's efforts will be successfully employed to obtain a sufficient provision and security for those rights. Having avowed, "that any claim of restitution or compensation for property confiscated, will meet with insuperable obstacles, not only on account of the sovereignty of the individual states," but of the wanton depredations of the enemy, they express a further trust, that "the circumstances of the allies at the negotiations for peace will be so prosperous, as to render these expectations *consistent* with the *spirit* and *moderation recommended by his majesty.*†

The wishes of the king of England had, during this period, been consulted by his ministry, and an act was passed "to enable him to conclude a peace or truce" with certain "COLONIES" therein mentioned. On the twenty-fifth of July, Oswald received a warrant to treat in pursuance of this act. This warrant was submitted to Vergennes, Franklin, and Jay.

Vergennes gave his opinion that it might be acted upon, "that names signified little, that an acknowledgment, instead of preceding, must, in the natural course of things, be the effect of the treaty, and that it would not be rea-

* October 3, 1782.—3 S. J. 243.

† This report was from Madison, Duane, Rutledge, Montgomery, and Carroll.

sonable to expect the effect before the cause." He urged an exchange of powers with the British commissioners, on the ground that an acceptance of them would be a *tacit* admittance of it.

Though Franklin always intended to secure the independence of the United States; yet as to the mode, it has been seen, that he would have been satisfied with a *tacit* acknowledgment of it. Adhering to this opinion, he concurred with Vergennes, and sustained this course on the ground that it was an acquiescence with the views of that minister, as prescribed by his instructions. Jay dissented from this opinion; he considered the instructions of seventeen hundred and seventy-nine, framed by Gouverneur Morris, as indicating the sentiments of the nation before its counsels had been influenced by France; and although he then voted for a *tacit* recognition, the position of the country had changed—the American arms had triumphed, and England had resolved on peace.

These considerations would have been sufficient of themselves; but there was another which could not have been without weight. Whatever policy might have been previously adopted, the public declaration of Lord Shelburne left no alternative consistent with the honour of the country, but an open, explicit, preliminary acknowledgment of its independence. Jay did not conceal from Franklin the suspicions which the readiness of Vergennes to waive this point had produced. The French minister had, on previous occasions, when he knew that such a requisition was an insuperable bar to all negotiation on the part of England, declared that it must be insisted upon. That with all the advantages in his favour, so practised a statesman should have abandoned this opinion, if he had ever seriously entertained it, without some motive, was not to be supposed. The only adequate motive to be as-

signed, was, a desire to defer this acknowledgment, to make it an article of treaty, and thus dependent upon all the contingencies of such a treaty, until, as the Spanish minister had intimated, the conclusion "of a general peace." Spain had claims to which the United States were unwilling to accede; France had demands upon Great Britain, to the attainment of which, the support of Spain was important. The United States were under no engagements to continue the war for the promotion of the views of Spain. But the treaty of alliance compelled them not to cease hostilities until their independence was secured. The British ministry held their places on the tenure of peace with America; but if that had been effected, Vergennes well knew that the temper of the British nation would have sustained a war with France or Spain from motives of policy or resentment. Thus, not only the question whether to promote the designs of Spain as to the American territory, or to obtain advantages from Great Britain, or even a general peace, might depend on deferring the recognition by England of the United States as a nation. The strong repugnance of the British monarch to an express acknowledgment might also have induced a belief, if that should be relinquished by her instrumentality, that France might gain an equivalent for this service. Acting upon a full view of his position, Jay apprised Oswald of his objections to his commission; who, to remove them, disclosed to him the instructions to Sir Guy Carleton to admit independence in the *first instance*. Jay avowed, that he would have no concern in any negotiation "that did not consider his countrymen as independent people," and drafted a commission to be issued by Great Britain.

A second discussion arose with the French minister on the reception of Oswald's powers; Vergennes remained of his former opinion, and asserted that an acknowledg-

ment previous to a treaty was unnecessary, denied that it was sufficient for the United States to be treated with on the ground of equality as other nations were, but insisted that an explicit acknowledgment of independence *in the treaty* was "very necessary," to prevent future claims. The reply of the British ministry to Oswald proceeded on the idea of an acknowledgment as an article of treaty.* This course was admitted by him to have been adopted in consequence of the intimation of Vergennes that it would be sufficient.

A strong expression of the determination not to permit the question of independence to be the subject of a treaty, and thus implying that America was not then independent, was embodied in a letter from Jay to Oswald, which was submitted to Franklin, who disapproved it, lest it might possibly be productive of future embarrassment, and as involving a departure from their instructions. After weighing this objection, Franklin having declined to sign this letter, Jay gave it to Oswald. Vergennes had, meanwhile, proposed that Oswald should *by letter* declare that he treated with the United States as independent; an expedient which was, of course, rejected. The fixed purpose of France was manifested upon another occasion. In consequence of an intimation to that effect by the court of Spain, a conference was held with their envoy at Paris. In this conference, the claims of Spain having been set forth, Jay, without entering into the discussion, presented a copy of his commission, and asked if the Spanish envoy's powers were equally extensive.

He affirmed that they were, but did not produce them. Vergennes, who was present, remained silent; but Rayneval, the secretary of the council, urged that this preliminary should be dispensed with.†

* 8 D. C. 143.—Jay's Life, v. 1, p. 144. † 8 D. C. 201.

Having ascertained that through the interference of France, the unsatisfactory powers to Oswald were framed, and that Rayneval had proceeded secretly to London, there was enough to awaken the suspicions of any prudent minister. These suspicions were confirmed by the disclosure to Jay of the contents of the recent despatch of Marbois, and on the following day he sent a secret agent to England, to represent the absolute necessity of a preliminary acknowledgment of independence, of a mutual participation in the fisheries and in the navigation of the Mississippi being conceded, and that it was the policy of France to postpone this recognition.* This communication had the intended effect. A commission† to Oswald, "to negotiate with commissioners vested with equal powers by and on the part of the UNITED STATES OF AMERICA," was received in Paris late in September.

The points now to be adjusted were the boundaries, the fisheries, and the claims of the loyalists.

The progress of the negotiation confirmed the suspicions entertained by Jay as to the policy both of France and Spain, with respect to the territorial limits of the United States. The importance of obtaining the alliance and aid of the Spanish ministry was such as to have led him to think, previous to his mission, that a cession might wisely have been made of the navigation of the Mississippi, as an inducement to such an alliance. But when Spain had, in order to promote her own views, entered into the war, when she refused to recognise the United States as a nation, and failed in her engagements as to aid, every inducement to such a concession ceased; and he dissuaded congress from granting it, on the ground that it would render a war with Spain unavoidable, and "*that he should look on his subscribing to the one, as fixing the other.*"

* 8 D. C. 165. † Sept. 21, 1782.

In the project of a treaty, in obedience to his instructions, which he was aware were known to Spain, he offered this cession, but upon his own responsibility annexed a declaration, "that if its acceptance, together with the proposed alliance, should be postponed to a general peace, the United States would not be bound by this offer." Circumstances occurred subsequently to this, which had a strong influence on the action of congress. On the capture of Pensacola, Spain, instead of providing in the capitulation that the British troops should not serve against the United States, permitted them to reinforce their garrison at New-York. Similar terms were granted in the surrender of the Bahama islands.

These occurrences excited strong indignation in America, which was increased by the unjustifiable interruption of the Havana trade,* in consequence of which, American vessels were detained a long time in the service of Spain, no compensation for the delay made, and then sent away without convoy, and many of them captured. But the event which made most impression was an expedition of a party of Spaniards and Indians from St. Louis, who seized a small post on the St. Joseph, occupied by a few English soldiers, took possession of it with its dependencies, and also of the river Illinois, in the name of his catholic majesty, and displayed the standard of Spain as a formal assertion of her title. This act was decisive of the purposes of that government.

A committee was appointed by congress to revise the instructions to Jay, (prepared by Madison,) not to insist upon the free navigation of the Mississippi. Their report would have exposed the United States to the risk, if Spain chose to claim it on the ground of the secret article with France, of being compelled to conclude a treaty "on her

* 8 D. C. 211.

first requisition. It was amended on the next day* at the instance of Rutledge, so as to direct him "to *forbear* making any overtures or entering into any stipulations in consequence of overtures previously made by him; and he was authorized to leave Spain, and go into any other part of Europe, whenever the state of his health might require it."

If the American commissioner had any doubts remaining as to the policy of Spain, they were removed by the disclosure of the contents of an intercepted despatch from the French ambassador at Madrid to Vergennes. This document represented the strong aversion of the catholic court to any American settlements on the Mississippi, as they would engross the trade of New Orleans and Mexico; that Spain was determined to make the Indians a barrier between their possessions; "that she would find the means, if necessary, to obstruct their progress; and that France could not afford" Spain a greater proof of "her" attachment, than in employing "her" influence in the United States to divert their views from the navigation of the Mississippi.†

In the conference which has been mentioned between D'Aranda and Jay on the twenty-ninth of June, the former expatiated on the rights of Spain to a large tract of country east of the Mississippi, as conquests from England, referring to the post recently taken on the St. Joseph, and remarked as to such part of that region as she had not conquered, that it was the territory of free and independent nations of Indians, whose lands could not be claimed by the United States.‡ She then proposed a longitudinal line as an arbitrary boundary, which would have dissevered from the United States a large portion of her western territory. "The extravagance of this line" was indi-

*Aug. 1, 1782. † Life of Jay, vol. 1, p. 139. ‡ 8 D. C. 150.

cated by Franklin and Jay to Vergennes, but he, as before, was reserved. The secretary Rayneval took up the discussion, urged Jay again to treat without any exchange of powers with D'Aranda, and subsequently submitted to him a memoir which defended at length the claims of Spain, and proposed to the United States the admission of another arbitrary limit.

This proposition implied that Great Britain was entitled to all the country north of the Ohio, and left in question the rights of the United States to the extensive western region above the thirty-first degree of latitude. These suggestions were considered as part of that policy which had determined * De Grasse to withdraw his fleet when the enemy were at our feet, and a month's delay would have reduced either New York or Charleston, and which would have postponed the recognition of independence to the conclusion of a general peace.

The desire of France to confine the limits of the United States, was again evinced about the time of the return of Oswald's full commission. Upon an intimation by D'Aranda of a wish to commence the negotiation, Jay expressed his readiness when their powers should be exchanged. D'Aranda inquired whether Jay had not been apprised of his having been authorized by the prime minister of Spain. He admitted it, but required the exchange of their commissions. This was objected to on the ground that Spain had not acknowledged our independence. Vergennes urged a treaty with Spain in the same manner as with France—that Spain did not deny the independence—and proposed that a conference should be held without saying a word about it, stating that an acknowledgment of it would be the *natural effect* of the proposed treaty. Jay replied, that, being independent, "both the terms of his

* 3 D. C. 355.

commission and the dignity of America forbade his treating on any other than an equal footing."

On the same occasion, Rayneval urged the adoption of the conciliatory line he had proposed, and the advantage of placing the Indians on each side of it under the protection of the respective sovereigns. Jay answered, that as far as these demands affected the Indians, it was a question between them and the United States, and remarked upon the *recency* of these territorial claims. Rayneval in reply observed, "that the Spanish prime minister had not understood the subject, and imputed his former ideas of the United States extending to the Mississippi to his ignorance of that matter." A reply that left it not difficult to conjecture by whom these recent claims had been suggested.

That Spain should have sought these advantages, might have been anticipated from the policy of that nation. How France could have sustained the proposed mutilation according to an arbitrary line, involving a principle by which it might have been extended much further east, it is difficult to conceive, when the grounds of the American pretensions are understood. By the treaty of Paris, all the region claimed by the United States had been ceded to the sovereign of Great Britain. This, by charter, she had granted, and defined as extending to the Mississippi. Thus it was held previous to the revolution, and thus under the same limits it (by the revolution) devolved upon those who had acquired the sovereignty of this country.

France had acknowledged the independence of the United States; she had by treaty admitted their territorial claims; she had by treaty guarantied all the possessions which then belonged to them, to take effect at the instant of a war between France and Great Britain; which war, preceding that between Spain and England, precluded all pretensions on the part of Spain by right of conquest.

Immediately after the commission was received by Os-

wald, the commissioners entered upon the negotiation, with an express agreement on each part, that it should not be disclosed to France. It commenced on the first of October, and on the eighth of that month, articles, of which the draft was prepared by Jay, were mutually signed.

After an express preliminary acknowledgment of the independence of the United States, their boundaries were defined as prescribed in the original ultimatum of seventeen hundred and seventy-nine. The right of fishing and *of curing* fish at the accustomed places, as urged by Gouverneur Morris, the author of this ultimatum, but then rejected by congress, was granted. The navigation of the Mississippi was declared to be forever free and open to both nations, and the citizens and subjects and ships of each nation were to enjoy the same protection and privileges in each other's ports and countries, respecting commerce, duties, and charges, as were enjoyed by native subjects, saving to the chartered trading companies of Great Britain their exclusive rights.

The decision of the British cabinet upon these articles was not received until the twenty-third of October, when it was stated that objections arose as to the extent of the boundaries and the absence of any provision for the tories, to confer upon which, a person was deputed from London.

Three days after, on the twenty-sixth* of October, Adams arrived at Paris, and co-operated in support of the terms which Jay had been the principal instrument in obtaining. It has been studiously laboured to give to Adams the chief merit in this transaction; but it is only necessary to advert to the state of the negotiation when he arrived at Paris, to decide to whom it belongs.

* Adams to Livingston, 6 D. C. 436.

On resuming the negotiation, an effort was made to contract the limits of the United States, to bring the boundary to the Ohio, and to settle the loyalists in the vicinity of the Illinois.

The court of St. James insisted upon retaining all the territories comprehended within the province of Quebec, by the acts of parliament respecting it. They contended that Nova Scotia should extend to the Kennebec, and claimed all the lands in the western country and on the Mississippi not expressly included in the charters and governments, and also all not previously granted by the crown. But the limits originally proposed were adhered to, and, with some concessions to the east and north, were acknowledged.

The points chiefly contested were the restitution, compensation, and amnesty to the adherents of Great Britain, and a limitation of the fisheries.

The former of these was most urged. It will be recorded to the honour of England, that it was the first insisted upon and the last relinquished, and relinquished not of choice, but because the British government were satisfied that congress did not possess the power to make or to fulfil the necessary stipulations. A substitute was inserted recommending the restitution of the confiscated estates. No further confiscations nor prosecutions were to be permitted, and all existing prosecutions were to be discontinued. An express stipulation was also made, that no legal impediment should be interposed to the full recovery, in sterling money, by the creditors of either side, of all bona fide debts previously contracted. All prisoners were to be discharged; the American possessions were to be evacuated without the destruction or deportation of negroes or other American property; and conquests subsequent to the execution of these articles were to be restored without compensation. A separate and secret

article was added, defining the boundary between West Florida and the United States, in case Great Britain should recover, or be put in possession of it at the conclusion of the war. The questions as to the fisheries were much debated, and were satisfactorily adjusted, after a demand of compensation for injuries being proposed by Franklin and abandoned.

The policy of France with respect to these particulars, also produced in the minds of the commissioners much dissatisfaction. The details of the discussion as to the fisheries are not preserved with sufficient minuteness to enable a very accurate judgment to be formed of the several propositions made. Acting upon the instructions of the fifteenth of June, seventeen hundred and eighty-one, Franklin made no mention of this great interest until some time after the arrival of Jay.

His demand of this right, which congress declared was "no less indispensable in its exercise" than "indisputable in its principles,"* was made of the British negotiator early in July. It appears that this important claim, then made the first time, created not a little surprise in the breast of the British commissioner.

It had been declared by Lord Chatham that the "exclusive right" to the fisheries "was an object worthy of being contested by the extremities of war." The reluctance of England to the participation of the Americans in a pursuit which, as a nursery of seamen, would enable them to contest the supremacy of the ocean, may be supposed to have created obstacles on the part of that maritime power.

Former events had shown to France the importance the English crown attached to it; and hence, had a disposition existed to interpose an obstacle to a treaty, none other would have been more readily seized upon. What shape

* 3 S. J. 158.

this question assumed in the progressive negotiations between Great Britain and France, is not known; whether that of an equal division of the fisheries, with a total exclusion of the people of the United States, or a limitation of them merely to the coast fishery; but the evidence is complete, that France, if she did not oppose, at least looked coldly on the claims of the United States.

In a conversation held between Jay and Rayneval, (after Great Britain had resolved to grant them,) to an inquiry by the latter, "what we demanded as to the fisheries," on being informed "that we insisted on enjoying a right in common to them with Great Britain, he intimated that our views should not extend further than a *coast* fishery, and insinuated that pains had lately been taken in the eastern states to excite their apprehensions and increase their demands on that head. We told him that such a right was essential to us, and that our people would not be content to make peace without it; and Franklin explained very fully their great importance to the eastern states in particular. He softened his manner—observed that it was natural for France to wish better to us than to England; but as the fisheries were a great nursery for seamen, we might suppose that England would be disinclined to admit others to share in it, and that for his part he wished there might be as few obstacles to a peace as possible. He reminded us also, that Oswald's new commission had been issued *posterior* to *his arrival* at London."

The only remaining question that excites attention upon which the course of France is to be investigated, is as to the proposed stipulations with respect to the loyalists. In the despatch from Adams,* the representations made by the French envoy to congress, and the opinion of Vergennes in favour of clemency and restitution, are imputed

* 6 D. C. 443-445.

to a knowledge that the American commissioners were instructed not to make any express engagements in their behalf, and that congress had not a constitutional authority to make them; and it is suggested that the pertinacity of England in protecting her adherents, was "stimulated by French emissaries." Congress had indeed declared that it was their "particular wish" that the return "of these fugitives and exiles from their country" should "be most strenuously opposed,"* and that any stipulations for their return were dishonourable to the government of the states and obnoxious to the people at large. But that France should have interposed her influence in their behalf, against a policy so impolitic and harsh, may be ascribed to other motives—to the feelings of a nation which regarded loyalty as a virtue—which supposed that clemency was the proper attribute of a crown, and would not, at least on the part of her ally, be a theme of reproach.

Vergennes, upon an annunciation being made to him of the signature of the treaty, addressed a sharp rebuke to Franklin for having concluded the preliminary articles without any communication to him, "although the instructions from congress prescribe that nothing should be done without the participation of the king." Franklin mildly answered, that nothing had been agreed in the preliminaries contrary to the interest of France, "and that no peace was to take place between us and England till France concluded hers." He disclaimed any intentional disrespect to the king, and asked to be excused "this single indiscretion."†

In a subsequent letter to the American government, after stating that Vergennes had been satisfied on this point, he observed, in reference to a possible censure by congress, "that their nomination of five persons to this ser-

* 3 S. J. 159. Report of Lovell, Carroll, and Madison. † 4 D. C. 57.

vice, seems to mark that they had some dependence on *our joint judgments*, since one alone could have made a treaty by direction of the French ministry as well as twenty." He imputes the conduct of France to an apprehension, that if America should have claimed too much, the opportunity of peace might have been lost; comments on the suspicions entertained by Adams that Vergennes and he were "continually plotting against him, and employing the newsmen of Europe to depreciate his character;" but at the same time makes the declaration, "I am persuaded, however, that he means well for his country, is always an honest man, often a wise one, but sometimes and in some things absolutely out of his senses."*

The result of these negotiations was received by the people of America with a burst of approbation. Not only had the United States obtained all, but more than they could have expected; every essential right had been secured—no sacrifice had been made of the national honour. But a different feeling existed with a party in congress; that which the nation approved, they deemed deserving of censure.

The American commissioners, on the annunciation to congress of the conclusion of the preliminary treaty, explained the motives which had induced them to approve of its leading articles. As to the boundaries, they stated the extent of the British claims—the hostility of France and Spain to the American interests—and the advantageous limits which had been established.

The provision for the British creditors was defended on the obvious principles of justice. The articles as to the refugees were represented as having been assented to by Great Britain because it was particularly important to its administration then to conclude the negotiation. The

* 4 D. C. 139.

concealment of the provisions of the treaty from France was justified on the ground that they "did not correspond with the policy of France." The stipulation to act "in confidence and in concurrence with her," was founded on a mutual understanding that she would assist the United States in obtaining their "indubitable rights:" and having opposed them, they insisted she was no longer entitled to that confidence, and that the injunction "to do nothing without the advice and consent of that court," could not have intended a consultation to procure an injury.

The separate article, they observed, was added from cogent motives. Deeming it important to extend the limits of the United States to the lowest possible point on the Mississippi, it was thought advisable to impress Britain with a strong sense of the value of this navigation to her future commerce on the interior waters from the Saint Lawrence to the Gulf of Mexico, and thus to render her averse to the claims of Spain. These objects militated against each other, because to enhance the value of the navigation, was also to enhance the value of the contiguous territory, and disincline England to a dereliction of it. This was effected by a composition: Great Britain withdrew her pretensions above the Yazoo, and the United States ceded all below it, in case that power should repossess Florida; both parties retaining the common use of the Mississippi. This composition was inserted in a separate article, expressly in order to keep it secret, lest Spain should have been irritated and have retarded the conclusion of the negotiation. France had no interest in this matter—she was not entitled to be informed of it.

Jefferson had been appointed early in the session a member of this commission, and was at this time engaged in the department of state preparing for its duties. The advices removing the motives to his departure, his appointment was revoked. His presence had an influence.

Under date of the sixth of November, the Secretary of foreign affairs had written "that the clauses of the commission to Mr. Fitzherbert, which were designed to include the United States, were strong indications of the extreme reluctance of the British to give up their supposed dominion over this country." In another letter, under the supposition that England would withhold the fisheries, he observed, "they are essential to some states, and we cannot but *hate* the nation that keeps us from using this common favour of Providence."

Notwithstanding the evidence these despatches gave that the clauses in the commission which he had reprobated were inserted with the approbation of Vergennes, and although England had yielded the fisheries in despite of the efforts of France to keep us from "using this common favour of Providence," a criminatory letter was addressed by him to congress, asking their directions as to the reply to be given to these communications.

In this letter, after a sharp condemnation of their conduct, he proposed three resolutions to be passed: one directing him to communicate the secret article to the ambassador of France, in such manner as will best remove any unfavourable impression of the sincerity of these states or their minister; another, informing the American commissioners of this act, and of the reasons which influenced congress, and instructing them to agree that in whatever hands West Florida might remain at the conclusion of the war, the United States will be satisfied with the limits in the separate article; and a third, declaring the "*sense*" of congress that the provisional articles "are not to take place until a peace shall have been *actually* signed" between France and Britain.

The preamble to these articles declared, "that the treaty of peace which they were to constitute, was not to be concluded until terms of a peace shall be *agreed upon* be-

tween Great Britain and France. His Britannic majesty shall be *ready* to conclude such treaty accordingly." This preamble, he declared, was so expressed, as to render it "very doubtful whether our treaty does not take place the moment France and England have agreed on the terms of their treaty, though France should refuse to sign till her allies were satisfied."

Had the proposed resolution passed, its effect would have been to keep the question of peace or war open until France should have satisfied her allies;—to have made the termination of this controversy depend on the disposition of Spain to relinquish her extravagant pretensions to the western territory of the United States.

When the character of this treaty is considered, it is not to be supposed that a communication of such a complexion would have been prepared on the sole responsibility and suggestion of its author, and without confidence in the strength of the party in congress devoted to France. On its being read, a vote of CENSURE was proposed as to a negotiation which must forever command the gratitude of the American people, and in which Jay took "a lead no less honourable to his talents than to his firmness."

This vote of censure was sustained by Madison;* but

* Judge Peters, who was a member of this congress, and who offered an approving resolution, wrote to Jay:—

"I voted against an unwarrantable philippic of censure, brought forward in congress against your conduct, to please the French. I thought then, and do now, that it was a mean compliance. Our friend Madison, who was generally *then* with us, left his friends on that subject, and I never liked him the *better* for it." Jay replied: "After my return in 1784, I was informed of the debate in congress on the proposed resolution which you mention. *In my opinion Madison voted consistently.*"—2 Jay's Life, 401, 404.

Referring to a resolution of Virginia, Madison wrote Randolph, January 7, 1783:—"The preliminary requisition of an acknowledgment of our independence, in the *most ample manner*, seems to be still more incautious, since it *disaccords* with the treaty of alliance which admits the sufficiency of a

there were those in that senate who would have incurred any sacrifice, rather than a sacrifice of the dignity of their country to avert the displeasure of any foreign power.

It was resisted, and resisted firmly, perseveringly, and successfully.

Different substitutes were offered. That of Hamilton declared, that "as congress are desirous of manifesting at all times the most perfect confidence in their ally, the secret article should be communicated to the minister of France by the secretary of foreign affairs; and that he inform the commissioners of the reasons for that communication, expressing to them the desire of congress that they will, upon all occasions, maintain perfect harmony and confidence with an ally to whose generous assistance the United States are so signally indebted; that congress entertain a high sense of the services of these commissioners, for their steady attention to the dignity and essential rights of the United States, and in obtaining from the court of Great Britain articles so favourable and so important to those interests."*

These substitutes were referred, and on the nineteenth of March, a report was made, the draft of which still exists with encomiastic interlineations in Hamilton's hand. During the debate on this report, intelligence of the sig-

tacit acknowledgment." Also, March 18, 1783—"The latest letters from our ministers express the greatest jealousy of Great Britain; and secondly, that the situation of France between the interfering claims of Spain and the United States, to which may perhaps be added some particular views of her own, having carried her into a discountenance of our claims, the suspicions of our ministers on that side gave an opportunity to British address to decoy them into a degree of confidence, which seems to leave their *own* reputations, as well as the safety of their country, at the mercy of Shelburne. In this business Jay *has taken the lead, and proceeded to a length of which you can form little idea.*" Adams has followed with cordiality; Franklin has been dragged into it."

* Vol. 2, No. 25, state department.

nature of the preliminary articles was received, and on the fifteenth of April the instrument of ratification Hamilton had the gratification of preparing, was agreed to.

He wrote to Jay:—"Though I have not performed my promise of writing to you, which I made you when you left this country, yet I have not the less interested myself in your welfare and success. I have been witness with pleasure to every event which has had a tendency to advance you in the esteem of your country; and I may assure you with sincerity, that it is as high as you can possibly wish.

"The peace, which exceeds in the goodness of its terms the expectations of the most sanguine, does the highest honour to those who made it. It is the more agreeable, as the time was come when thinking men began to be seriously alarmed at the internal embarrassments and exhausted state of this country. The New-England people talk of making you an annual *fish-offering*, as an acknowledgment of your exertions for the participation of the fisheries.

"We have now happily concluded the great work of independence, but much remains to be done to reap the fruits of it. Our prospects are not flattering. Every day proves the inefficacy of the present confederation; yet the common danger being removed, we are receding instead of advancing in a disposition to amend its defects. The road to popularity in each state is, to inspire jealousies of the power of congress; though nothing can be more apparent than that they have no power, and that for the want of it the resources of the country during the war could not be drawn out, and we at this moment experience all the mischief of a bankrupt and ruined credit. It is to be hoped that when prejudice and folly have run themselves out of breath, we may return to reason and correct our errors."

The preceding narrative develops a policy which evidently sought to curtail the limits and to check the growth of this infant empire. A confirmation of its purposes is to be found in the instructions of Montmorin, the successor of Vergennes, to his legate in the United States. "That it is not advisable for France to give to America all the stability of which she is susceptible: she will acquire a degree of power she will be too well disposed to abuse." It is seen in the continued efforts of her agents to support the impotent confederacy of the states, after every enlightened and every virtuous patriot had condemned it; and may be read in the proclamation to the world by their successors, of the perfidious conduct of the old government of France towards their too confiding ally.

Such a policy, it would seem, could only have been suggested by and founded upon the subservience of leading men in this country, who, prompted by illicit motives, allied themselves to her corrupt and crafty councils.

When the existence and consequences of such a connection are considered, Hamilton's public declaration will not excite surprise:—

"Upon my first going into congress, I discovered symptoms of a party too well disposed to subject the interests of the United States to the management of France. Though I felt, in common with those who had participated in the revolution, a lively sentiment of good-will towards a power whose co-operation, however it was and ought to have been dictated by its own interest, had been extremely useful to us, and had been afforded in a liberal and handsome manner; yet, tenacious of the real independence of our country, and dreading the preponderance of foreign influence as the natural disease of popular government, I was struck with disgust at the appearance, in the very cradle of our republic, of a party actuated by an undue complaisance to a foreign power, and I resolved at once to

resist this bias in our affairs: a resolution which has been the chief cause of the persecution I have endured in the subsequent stages of my political life.

"Among the fruits of the bias I have mentioned, were the celebrated instructions to our commissioners, for treating of peace with Great Britain; which, not only as to final measures, but also as to preliminary and intermediate negotiations, placed them in a state of dependence on the French ministry, humiliating to themselves and unsafe for the interests of the country. This was the more exceptionable, as there was cause to suspect, that, in regard to the two cardinal points of the fisheries and the navigation of the Mississippi, the policy of the cabinet of Versailles did not accord with the wishes of the United States.

"The commissioners, of whom Mr. Adams was one, had the fortitude to break through the fetters which were laid upon them by those instructions; and there is reason to believe that, by doing it, they both accelerated the peace with Great Britain and improved the terms, while they preserved our faith with France. Yet a serious attempt was made to obtain from congress a formal censure of their conduct. The attempt failed, and instead of censure, the praise was awarded which was justly due to the accomplishment of a treaty advantageous to this country beyond the most sanguine expectation. In this result, my efforts were heartily united." *

* It is among the striking incidents of this remarkable revolution, that the American who brought Great Britain to terms, and controlled the policy of the Court of France, was the grandson of a French refugee. Thus, the descendant of a man whom Louis the Fourteenth had persecuted with a besotted rage, imposed his decisions upon the descendant of that sovereign, in his own palace, a hundred years after the banishment of his ancestor.—Brissot, 141.

CHAPTER XXXV

The necessity felt by the friends of the public faith of availing themselves of the army discontents, much as the exercise of such an influence was apprehended, is shown by the proceedings of Massachusetts, at that time the richest state in the confederation, and which had suffered less than any other from the war.

It will be remembered, that the half-pay was established in seventeen hundred and eighty, by a congress elected before the articles of the confederation had gone into operation, while they were exercising all the large powers which, in the early exigencies of the country, had been conferred upon them, and which were incidental to the purposes of their election; no question could, therefore, exist as to their right to make this pledge.

The articles of the confederation were adopted on the first March, seventeen hundred and eighty-one. By the twelfth article, all the engagements of the previous congresses were sanctioned as a charge against the United States, "for the payment whereof the public faith was solemnly pledged." Yet, with a knowledge of this pledge, the legislature of Massachusetts, under the influence of the individuals who had been principally instrumental in framing those articles, though they admitted the discretionary power of congress to provide for the support of the army, declared that the principles of equity had not been attended to in the grant of half-pay: "that being, in their opinion, a grant of more than an adequate reward

for their services, and inconsistent with that equality which ought to subsist among citizens of free and republican states; that such a measure appeared to be calculated to raise and exalt some citizens in wealth and grandeur, to the injury and oppression of others."

Such was the language of a state, in reference to an explicit public engagement, to an army which had by that engagement alone been saved from dissolution. This remonstrance of Massachusetts was brought before congress at a later period than that now under consideration. A committee sustained the grant, independent of all considerations of policy, upon the ground that it was a complete and constitutional act; yet such were the jealousies of this assembly, that on the discussion of their report, the declaration of the constitutional power of congress to make it was stricken out; and the delegates of Massachusetts, though some of them were in favour of the measure, yielded so far to the influence of their state, as to decline voting on the final question.*

Among the resolutions adopted by the army on the fifteenth of March, one expressed their "unshaken confidence in the justice of congress and their country; and stated that they were fully convinced that the representatives of America would not disband or disperse them, until their accounts were liquidated, the balances accurately ascertained, and adequate funds established for their payment."

The terms of this resolution had given great embarrassment. The committee of which Hamilton was chairman, requested him to communicate their difficulties to the commander-in-chief, and to ask his private opinion, which he

* A formal protest signed by Samuel Adams was presented to congress, in which it is to be remarked, that this provision for the army is assigned as one of the reasons for refusing the impost.

thus did:—"The army, by their resolutions, express an expectation that congress will not disband them previous to a settlement of accounts and the establishment of funds. Congress may resolve upon the first, but the general opinion is, that they cannot constitutionally declare the second. They have no right by the confederation to demand funds, they can only recommend; and to determine that the army shall be continued in service till the states grant them, would be to determine that the whole present army shall be a standing army during peace, unless the states comply with the requisitions for funds. This, it is supposed, would excite the claims and jealousies of the states, and increase rather than lessen the opposition to the funding scheme. It is also observed that the longer the army is kept together, the more the payment of past dues is procrastinated; the abilities of the states being exhausted for their immediate support, and a new debt every day incurred. It is further suggested, that there is danger in keeping the army together in a state of inactivity, and that a separation of the several lines would facilitate the settlement of accounts, diminish present expense, and avoid the danger of the union. It is added, that the officers of each line, being on the spot, might, by their own solicitations and those of their friends, forward the adoption of funds in the different states. A proposition will be transmitted to you by Colonel Bland, in the form of a resolution to be adopted by congress, framed upon the principles of the foregoing reasoning.

"Another proposition is contained in the following resolution:—'That the commander-in-chief be informed, it is the intention of congress to effect the settlement of the accounts of the respective lines previous to their reduction, and that congress are doing and will continue to do every thing in their power towards procuring satisfactory securities for what shall be found due on such settlement.'

"The scope of this, your excellency will perceive without comment.. I am to request you will favour me with your sentiments on both the propositions, and in general with your ideas of what had best be done with reference to the expectation expressed by the officers, taking into view the situation of congress. On one side, the army expect they will not be disbanded till accounts are settled and funds established; on the other hand, they have no constitutional power of doing any thing more than to recommend funds, and are persuaded that these will meet with mountains of prejudice in some of the states. A considerable progress has been made in a plan for funding the public debt, and it is to be hoped it will ere long go forth to the states with every argument that can give it success.

"Philadelphia, 25th of March, 1783."

This public letter was enclosed in a private one of the same date, which exhibits his deep sense of the injuries to which the army was exposed, and his indignation and disgust at the imbecile counsels that induced congress to trifle with so solemn an engagement.

"SIR,

"The enclosed I write more in a public than in a private capacity. Here I write as a citizen zealous for the true happiness of this country; as a soldier who feels what is due to an army which has suffered every thing and done much for the safety of America.

"I sincerely wish *ingratitude* was not so natural to the human heart as it is. I sincerely wish there were no seeds of it in those who direct the councils of the United States. But while I urge the army to moderation, and advise your excellency to take the direction of their discontents, and endeavour to confine them within the bounds

of duty, I cannot, as an honest man, conceal from you that I am afraid their distrusts have too much foundation. Republican jealousy has in it a principle of hostility to an army, whatever be their merits, whatever be their claims to the gratitude of the community. It acknowledges their services with unwillingness, and rewards them with reluctance. I see this temper, though smothered with great care, involuntarily breaking out upon too many occasions. I often feel a mortification which it would be impolitic to express, that sets my passions at variance with my reason. Too many, I perceive, if they could do it with safety or colour, would be glad to elude the just pretensions of the army. I hope, however, this is not the prevailing disposition.

"But supposing the country ungrateful, what can the army do? It must submit to its hard fate. To seek redress by its arms, would end in its ruin. The army would moulder by its own weight; and for want of the means of keeping together, the soldiery would abandon their officers. There would be no chance of success *without having recourse to means that would reverse our revolution.*

"I make these observations, not that I imagine your excellency can want motives to continue your influence in the path of moderation, but merely to show why I cannot myself enter into the views of coercion which some gentlemen entertain; for I confess, could force avail, I should almost wish to see it employed. I have an indifferent opinion of the honesty of this country, and ill forebodings of its future system.

"Your excellency will perceive I have written with sensations of chagrin, and will make allowance for colouring, but the general picture is too true. God send us all more wisdom."

Washington replied on the fourth of April.—

Newburgh, 4th April, 1783.

"DEAR SIR,

"The same Post which gave me your two letters of the twenty-fifth of March, handed me one from Colo. Bland on the same point.

Observing that both have been written at the desire of a Committee of which you are both members, I have made a very full reply to their subject in my letter which is addressed to Colo. Bland; and supposing it unnecessary to enter into a complete detail to both—I must beg leave to refer you to Colo. Bland's (a sight of which I have desired him to give you) for a full explanation of my ideas and sentiments.

I read your private letter of the twenty-fifth with pain, and contemplated the picture it had drawn, with astonishment and horror. But I will yet hope for the best. The idea of redress by force, is too chimerical to have had a place in the imagination of any serious Mind in this army; but there is no telling what unhappy disturbances may result from distress and distrust of justice: and as the fears and jealousies of the Army are alive, I hope no resolution will be come to for disbanding or separating the Lines, till the acc'ts are liquidated. You may rely upon it, sir, that unhappy consequences would follow the attempt. The suspicions of the Officers are afloat, notwithstanding the resolutions which have passed on both sides; any act, therefore, which can be construed into an attempt to separate them before the acc'ts are settled, will convey the most unfavorable ideas of the rectitude of Congress; whether well or ill-founded matters not, the consequences will be the same.

"I will now, in strict confidence, mention a matter which may be useful for you to be informed of. It is, that some men (and leading ones too) in this army are beginning to entertain suspicions that Congress, or some Members of it, regardless of the past sufferings and present distress—mau-

gre the justice which is due to them—and the returns which a grateful people should make to men who certainly have contributed more than any other class to the establishment of Independency, are to be made use of as mere Puppets to establish Continental funds; and that rather than not succeed in this measure, or weaken their ground, they would make a sacrifice of the army and all its interests.

I have two reasons for mentioning this matter to you. The one is, that the Army (considering the irritable state it is in, its sufferings and composition) is a dangerous instrument to play with; the other, that every possible means consistent with their own views (which certainly are moderate) should be essayed to get it disbanded without delay. I might add a third; it is, that the Financier is suspected to be at the bottom of this scheme. If sentiments of this sort should become general, their operation will be opposed to this plan, at the same time that it would encrease the present discontents. Upon the whole, disband the army as soon as possible, but consult the wishes of it, which really are moderate in the mode, and perfectly compatible with the honour, dignity, and justice which is due from the Country to it. I am, with great esteem & regard, dear sir, your most obedient servant."

Hamilton answered on the eleventh of April:—

"SIR,

"I have received your excellency's letters of the thirty-first of March and fourth of April, the last to-day. The one to Colonel Bland, as member of the committee, has been read in committee confidentially, and gave great satisfaction. The idea of not attempting to separate the army before the settlement of accounts, corresponds with my proposition; that of endeavouring to let them have some pay, had also appeared to me indispensable. The expec-

tations of the army, as represented by your excellency, are moderation itself. To-morrow we confer with the superintendent of finance on the subject of money. There will be difficulty, but not, we hope, insurmountable. I thank your excellency for the hints you are so obliging as to give me in your private letter. I do not wonder at the suspicions that have been infused; nor should I be surprised to hear that I have been pointed out as one of the persons concerned in playing the game described: but facts must speak for themselves. The gentlemen who were here from the army, General McDougall who is still here, will be able to give a true account of those who have supported the just claims of the army, and of those who have endeavoured to elude them. There are two classes of men, sir, in congress of very different views; one attached to state, the other to continental politics. The last have been strenuous advocates for funding the public debt upon solid securities; the former have given every opposition in their power, and have only been dragged into the measures, which are now near being adopted, by the clamours of the army and other public creditors. The advocates for continental funds have blended the interests of the army with other creditors, from a conviction that no funds for partial purposes will go through those states to whose citizens the United States are largely indebted; or if they should be carried through from impressions of the moment, would have the necessary stability; for the influence of those unprovided for would always militate against a provision for others, in exclusion of them. It is in vain to tell men who have parted with a large part of their property on the public faith, that the services of the army are entitled to a preference. They would reason from their interest and their feelings: these would tell them that they had as great a title as any other class of the community to public justice, and that while

this was denied to them, it would be unreasonable to make them bear their part of a burden for the benefit of others. This is the way they would reason, and as their influence in some of the states was considerable, they would have been able to prevent any partial provision.

"But the question was not merely how to do justice to the creditors, but how to restore public credit. Taxation in this country, it was found, could not supply a sixth part of the public necessities. The loans in Europe were far short of the balance, and the prospect every day diminishing: the court of France telling us, in plain terms, she could not even do as much as she had done; individuals in Holland, and every where else, refusing to part with their money on the precarious tenure of the mere faith of this country, without any pledge for the payment either of principal or interest. In this situation, what was to be done? It was essential to our cause that vigorous efforts should be made to restore public credit; it was necessary to combine all the motives to this end, that could operate upon different descriptions of persons in the different states. The necessity and discontents of the army presented themselves as a powerful engine. But, sir, these gentlemen would be puzzled to support their insinuations by a single fact. It was indeed proposed to appropriate the intended impost on trade to the army debt, and, what was extraordinary, by gentlemen who had expressed their dislike to the principle of the fund. I acknowledge I was one that opposed this, for the reasons already assigned and for these additional ones: *that* was the fund on which we most counted to obtain further loans in Europe; it was necessary we should have a fund sufficient to pay the interest of what had been borrowed and what was to be borrowed. The truth was, these people in this instance wanted to play off the army against the funding system.

"As to Mr. Morris, I will give your excellency a true

explanation of his conduct. He had been for some time pressing congress to endeavour to obtain funds, and had found a great backwardness in the business. He found the taxes unproductive in the different states; he found the loans in Europe making a very slow progress; he found himself pressed on all hands for supplies; he found himself, in short, reduced to this alternative—either of making engagements which he could not fulfil, or declaring his resignation in case funds were not established by a given time. Had he followed the first course, the bubble must soon have burst; he must have sacrificed his credit and his character, and *public* credit, already in a ruined condition, would have lost its last support. He wisely judged it better to resign; this might increase the embarrassments of the moment, but the necessity of the case, it was to be hoped, would produce the proper measures, and he might then resume the direction of the machine with advantage and success. He also had some hope that his resignation would prove a stimulus to congress. He was, however, ill advised in the publication of his letters of resignation. This was an imprudent step, and has given a handle to his personal enemies, who, by playing upon the passions of others, have drawn some well-meaning men into the cry against him. But Mr. Morris certainly deserves a great deal from his country. I believe no man in this country but himself could have kept the money machine a going during the period he has been in office. From every thing that appears, his administration has been upright as well as able. The truth is, the old leaven of Deane and Lee is at this day working against Mr. Morris. He happened in that dispute to have been on the side of Deane, and certain men can never forgive him. A man whom I once esteemed, and whom I will rather suppose *duped* than wicked, is the second actor in this business.

"The matter with respect to the army, which has occa-

sioned most altercation in congress, and most dissatisfaction in the army, has been the half-pay. The opinions on this head have been two: one party was for referring the several lines to their states, to make such commutation as they should think proper; the other, for making the commutation by congress, and funding it on continental security. I was of this last opinion, and so were all those who will be represented as having made use of the army as puppets. Our principal reasons were—First, by referring the lines to their respective states, those which were opposed to the half-pay would have taken advantage of the officers' necessities to make the commutation far short of an equivalent. Secondly, the inequality which would have arisen in the different states when the officers came to compare, (as has happened in other cases,) would have been a new source of discontent. Thirdly, such a reference was a continuance of the old wretched state system, by which the ties between congress and the army have been nearly dissolved—by which the resources of the states have been diverted from the common treasury and wasted; a system which your excellency has often justly reprobated.

"I have gone into these details to give you a just idea of the parties in congress. I assure you upon my honour, sir, I have given you a candid statement of facts to the best of my judgment. The men against whom the suspicions you mention must be directed, are in general the most sensible, the most liberal, the most independent, and the most respectable characters in our body, as well as the most unequivocal friends to the army; in a word, they are the men who think continentally.

"I am chairman of a committee for peace arrangements. We shall ask your excellency's opinion at large on a proper military peace establishment.

"We at this moment learn an officer is arrived from

Sir Guy Carleton with despatches; probably *official* accounts of peace."

From this letter may be seen the delicate and embarrassing position in which Hamilton was placed. Compelled by a high sense of duty, and by his comprehensive views of the public interest, to oppose those feeble and partial measures of finance which he saw must result in failure, he was exposed to all that misrepresentation and malice could suggest as to his motives, and to the injurious suspicion that, from considerations of policy, he would participate in schemes to render the soldiery mere puppets to advance the establishment of permanent funds.

Prompted, on the other hand, by that devotion to the army and care of its interests which his relations to them peculiarly demanded of him, and which his deep distrust of the purposes of congress increased, to use every proper mean to enforce their claims, and almost to sanction a line of conduct which was so necessary, and yet so full of jeopardy, he unjustly incurred the deeper and more dangerous suspicion of being accessary to an excitement which, once aroused, might disregard all control, and involve every interest, civil and military, in one common ruin.

Under these circumstances he followed the dictates of a lofty intellect, and with the fullest confidence in the patriotism of his fellow-soldiers, and with a firm belief that the dangers of military insubordination were exaggerated, he adhered to his determination never to relinquish the demands of public faith, which he pronounced "the corner-stone of public safety." He soon after received the following explanatory letter from Washington.

Newburgh, Ap. 16, 1789.

"DEAR SIR,

"My last letter to you was written in a hurry, when I was fatigued by the more public yet confidential letter which

(with several others) accompanied it—possibly, I did not on that occasion express myself, in what I intended as a hint, with so much perspicuity as I ought—possibly, too, what I then dropped might have conveyed more than I intended; for I do not at this time recollect the force of my expression.

My meaning, however, was only to inform, that there were different sentiments in the Army as well as in Congress respecting Continental and State Funds;—some wishing to be thrown upon their respective States, rather than the Continent at large, for payment; and that, if an idea should prevail generally that Congress, or part of its Members or Ministers, bent upon the latter, should *delay* doing them justice, or *hazard* it in pursuit of their favourite object, it might create such divisions in the Army, as would weaken rather than strengthen the hands of those who were disposed to support Continental measures, and might *tend* to defeat the end they themselves had in view by endeavouring to involve the army. For these reasons I said, or meant to say, the Army was a dangerous Engine to work with, as it might be made to cut both ways, and, considering the sufferings of it, would more than probably throw its weight into that scale which seemed most likely to preponderate towards its immediate relief, without looking forward (under the pressure of present wants) to future consequences with the eyes of Politicians. In this light, also, I meant to apply my observations to Mr. Morris, to whom, or rather to Mr. G. M., is ascribed in a great degree the groundwork of the superstructure which was intended to be raised in the army by the anonymous addresses.

That no man can be more opposed to state funds and local prejudices than myself, the whole tenor of my conduct has been one continual evidence of. No man, perhaps, has had better opportunities to *see* and to *feel* the pernicious tendency of the latter than I have, and I endeavour (I

hope not altogether ineffectually) to inculcate them upon the Officers of the army upon all proper occasions; but their feelings are to be attended to and soothed, and they assured that, if Continental funds cannot be established, they will be recommended to their respective states for payment. Justice must be done them. I should do injustice to report, and what I believe to be the opinion of the army, were I not to inform you that they consider you as a friend zealous to serve them, and one who has espoused their interests in Congress upon every proper occasion. It is to be wished, as I observed in my letter to Colonel Bland, that Congress would send a comttee to the army with Plenipo. powers. The matters requested of me in your letter of the ——, as Chairman of a comttee, and many other things, might then be brought to a close with more despatch, and in a happier manner, than it is likely they will be by an intercourse of letters at the distance of 150 miles, which takes *our* Expresses a week at *least* to go and come. At this moment, being without any instructions from Congress, I am under great embarrassment with respect to the Soldiers for the War, and shall be obliged more than probably, from the necessity of the case, to exercise my own judgment, without waiting for orders as to the discharge of them. If I should adopt measures which events may approve, all will be well; if otherwise, why and by what authority did you do so?

How far a *strong* recommendation from Congress to observe *all* the articles of Peace, as well as the .....* may imply a suspicion of good faith in the people of this Country, I pretend not to judge; but I am much mistaken if something of the kind will not be found wanting, as I already perceive a disposition to carp at and to elude such parts of the treaty as affect their different interests, altho' you do

* The blank exists in the original.

not find a man who, when pushed, will not acknowledge that upon the *whole* it is a more advantageous Peace than we could possibly have expected. I am, dear sir, with great esteem and regard,

"G. W."

The preliminary articles of the treaty with Great Britain were ratified on the fifteenth of April.* Immediately after this act, on the same day, instructions were given to the agent of marine to discharge the naval prisoners, and Washington was authorized to make the proper arrangements with the commander-in-chief of the British forces for receiving the posts occupied by the British, and for obtaining the delivery of the negroes and other American property in their possession. The secretary of war was also directed, conjointly with the commander-in-chief, to take proper arrangements for liberating the land prisoners.

A motion was made to exclude Washington from any participation in the restoration of the prisoners, but it did not prevail.

Notwithstanding his strenuous exertions to establish the construction, that execution was to date from the ratification of the provisional treaty, in this Hamilton had been defeated. To release the prisoners under such circumstances, was manifestly impolitic. It would strengthen the enemy, and would also deprive the United States of the power of making their restoration an equivalent for the surrender of the posts.

It was important, therefore, to ascertain the construction of the treaty by the British commander. Should he determine to retain the posts, the United States would be justified in retaining the prisoners. With this view, on the

* 1 Mad. 454, mentions a motion of "Hamilton to insert, in a definitive treaty, a mutual stipulation not to keep a naval force on the lakes."

day of the ratification of the treaty, he addressed the following letter to Washington.

April 15, 1783.

"SIR,

There are two resolutions passed relative to the restoration of the British prisoners, and to making arrangements for the surrender of the posts in the possession of the British troops. The first of which is to be transacted by you, in conjunction with the secretary of war; the latter, by yourself alone. I will explain to you some doubts which have arisen in congress with regard to the true construction of the provisional treaty, which may be of use to you in transacting the business above mentioned.

The sixth article declares that there shall be no future confiscations, &c., after the *ratification of the treaty in America*, and the seventh article makes the surrender of prisoners, evacuation of posts, cessation of hostilities, &c., to depend on that event, to wit: *the ratification of the treaty in America.* Now the doubt is, whether the *treaty* means the provisional treaty *already concluded*, or the *definitive* treaty to be *concluded.* The *last construction is most agreeable to the letter of the provisional articles;** the former most agreeable to the usual practice of nations, for hostilities commonly cease on the ratification of the preliminary treaty. There is a great diversity of opinion in congress. It will be in my opinion advisable, at the same time that we do not communicate our doubts to the British, to extract their sense of the matter from them.

This may be done by asking them at what period they are willing to stipulate the surrender of posts, at the same time that they are asked, in what manner it will be most

* Madison Debates, pp. 440, 443, 444. It is difficult to reconcile the representation given in these pages with the above opinion, expressed on the very day of the ratification.

convenient to them to receive the prisoners. If they postpone the evacuation of the different posts to the definitive treaty, we shall then be justified in doing the same with respect to prisoners. The question will then arise, whether, on principles of humanity, economy, and liberality, we ought not to restore the prisoners at all events, without delay. Much may be said on both sides. I doubt the expedience of a total restoration of prisoners, till they are willing to fix the epochs at which they will take leave of us. It will add considerably to their strength; and accidents, though improbable, may happen. I confess, however, I am not clear in my opinion. The provisional or preliminary treaty is ratified by us for greater caution."

The instructions to the commander-in-chief, of the previous day, were in peremptory terms. With a view to enable him to exercise a discretion as to the execution of the seventh article, dependent on the British construction, Hamilton on the following day proposed to modify these instructions so as to authorize him to enter into preparatory arrangements relative to it; but though a majority of the states were in favour of this proposition, the constitutional number was not obtained.* He soon after received a letter from Washington which shows their concurrence of opinion.

Newburgh, 22d April, 1783.

DEAR SIR,

I did not receive your letter of the fifteenth until after my return from Ringwood, where I had a meeting with the Secretary at War, for the purpose of making arrangements for the release of our Prisoners, agreeably to the resolve of Congress of the fifteenth Inst't. Finding a diversity of opinion respecting the Treaty and the line of conduct we ought

* Negative 3, affirmative 5, divided 2.

to observe with the Prisoners, I requested, in precise terms, to know from General Lincoln, (before I entered on the business,) whether we were to exercise our own judgment with respect to the *time* as well as *mode* of releasing them, or was to be confined to the latter; being informed that we had no option in the first, Congress wishing to be eased of the expence as soon as possible, I acted *solely* on that ground.

At the same time, I scruple not to confess to you, that if this measure was not dictated by necessity, it is, in my opinion, an impolitic one, as we place ourselves in the power of the British before the Treaty is definitive. The manner in which Peace was first announced, and the subsequent declarations of it, have led the Country and Army into a belief that it was final. The ratification of the Preliminary articles on the 3d of February so far confirmed this, that one consequence resulting from it is, the Soldiers for the War conceive that the term of their Services has actually expired; and I believe it is not in the power of Congress or their Officers to hold them much, if any longer; for we are obliged at this moment to increase our Guards to prevent rioting, and the Insults which the officers meet with in attempting to hold them to their duty. The proportion of these men amount to Seven-Elevenths of this Army; these we shall loose at the moment the British army will receive by their Prisoners an augmentation of five or 6,000 Men. It is not for me to investigate the causes which induced this measure, nor the policy of those Letters (from authority) which gave the Ton to the present sentiment; but since they have been adopted, we ought, in my opinion, to put a good face upon matters, and by a liberal conduct throughout, on our part, (freed from appearances of distrust,) try, if we cannot excite similar dispositions on theirs. Indeed, circumstanced as things *now* are, I wish most fervently that all the Troops which are not retained for a

Peace Establishment were to be discharged immediately, or such of them at least as do not incline to await the Settlement of their Acc'ts. If they continue here, their claims, I can plainly perceive, will encrease and our perplexities multiply. A Petition is this moment handed to me from the Non-Com'd Officers of the Connecticut line, solliciting half-pay. It is well drawn, I am told, but I did not read it. I sent it back without appearing to understand the Contents, because it did not come through the Channel of their Officers. This may be followed by others; and I mention it to shew the necessity—the absolute necessity of discharging the *War's-men* as soon as possible.

I have taken much pains to support Mr. Morris's administration in the army; and in proportion to its numbers, I believe he had not more friends any where. But if he will neither adopt the mode which has been suggested, point out any other, nor shew cause why the first is impracticable or impolitic, (I have heard he objects to it,) they will certainly attribute their disappointment to a lukewarmness in him, or some design incompatable with their Interests. And here, my dear Colo' Hamilton, let me assure you that it would not be more difficult to still the raging Billows in a tempestuous Gale, than to convince the Officers of this Army of the justice or policy of paying men in Civil Offices full wages, when *they* cannot obtain a Sixtieth part of their dues. I am not unapprised of the arguments which are made use of upon this occasion to discriminate the cases; but they really are futile, and may be summed up in this—that tho' both are contending for the same rights and expect equal benefits, yet, both cannot submit to the same inconveniences to obtain them; otherwise, to adopt the language of simplicity and plainness, a ration of Salt Porke, with or without Pease, as the case often is, would support the one as well as the other, and in such a struggle as ours, in my opinion, would be alike honourable in both.

My anxiety to get home increases with the prospect of it; but when is it to happen?— I have not heard that Congress have yet had under consideration the Lands and other gratuities, which at different periods of the War have been promised to the Army.

Does not these things evince the necessity of a Committee's repairing to Camp, in order to arrange and adjust matters, without spending time in a tedious exchange of Letters. Unless something of this kind is adopted, business will be delayed and expences accumulated; or the Army will break up in disorder—go home enraged—complaining of injustice, and committing enormities on the innocent inhabitants in every direction.

I write to you unreservedly. If, therefore, contrary to my apprehension, all these matters are in a proper train, and Mr. Morris has devised means to give the army three months' pay, you will, I am persuaded, excuse my precipitency and sollicitude, by ascribing it to an earnest wish to see the War happily and honourably terminated—to my anxious desire of enjoying some repose—and the necessity of my paying a little attention to my private concerns, which have suffered considerably in Eight years' absence.

McHenry expressing—in a letter I have lately received from him—a wish to be appointed Official Secretary to the Court of Versailles or London, I have by this opportunity written to Mr. Livingston and Mr. Maddison, speaking of him in warm terms, and wish him success with all my heart."

The day after this letter was written, congress declared that the time of the men engaged to serve during the war did not expire until the ratification of the definitive treaty.

As chairman of the committee for peace arrangements, the duty devolved upon Hamilton of directing the immediate discharge of the naval prisoners, the detention of

whom was not prompted by the policy which would have retained those of the army. In a letter to the superintendent of finance, who was also the agent of marine, respecting these prisoners, he suggested to him the formation of a plan for a national marine, in pursuance of the opinions expressed in "The Continentalist," that, as "a commercial people, maritime power must be a primary object of our attention, and that a Navy cannot be created or maintained without ample resources." Referring also to the mint which had been authorized during the preceding year, he again adverted to the establishment of a NATIONAL COINAGE.

The various topics which engaged his attention, while they called forth all the powers, show the fulness and elasticity of his mind. His public avocations did not occupy all his attention; many of his intervals of leisure were devoted to a general study of finance. Having previously perused the earlier writers, he now entered upon a deliberate examination of the political economy of Adam Smith, and wrote, while a member of congress, an extended commentary upon his "Wealth of Nations," which is not preserved.*

It has been perceived that the debate on the revenue system was interrupted by the discussion of the claims of the army, the general principle, the necessity of permanent and adequate funds, having been adopted. This subject was resumed, and, on the motion of Madison, a proposition was made reasserting this principle, but omitting the provision contained in Hamilton's resolution, that these funds should be "*collected by congress.*"† This fatal concession to state prejudices, wholly at war with Hamilton's opinions and with a national policy, was followed by

* Related by P. S. Duponceau, a distinguished civilian of Philadelphia.

† Madison Debates, vol. 1, p. 289.

another only less hostile to the object in view, the establishment of a basis for loans. It was the limitation of the duration of the revenue act to a period of twenty-five years.

Hamilton strenuously opposed both these concessions, insisting that the principles of the address to Rhode Island, which the house had sanctioned, ought not to be departed from. The duration of the act, he asserted, ought to be co-extensive with the existence of the debt, and the collection as well as the appropriation should be under the control of the United States. In these views he was sustained by Bland of Virginia; but Madison concurring with Lee and Mercer, the vote of that state was given in favour of a limited term.*

* Madison Papers, vol. 1, 342.—Madison states a motion by Hamilton, seconded by Bland, to postpone the clause limiting its duration to 25 years, "in order to substitute a proposition declaring it to be inexpedient to limit the period of its duration; first, because it ought to be commensurate to the duration of the debt; secondly, because it was improper in the present state of the business, and all the limitation of which it would admit, had been defined in the resolutions of the 16th of Dec. 1782. Hamilton said, in support of his motion, that it was in vain to attempt to gain the concurrence of the states by removing the objections publicly assigned by them against the impost; that the true objection on the part of Rhode Island was the interference of the impost with the opportunity afforded by their situation of levying contributions on Connecticut, &c., which received foreign supplies through the ports of Rhode Island; that the true objection on the part of Virginia, was her having little share in the debts due from the United States, to which the impost would be applied; that a removal of the avowed objections would not, therefore, remove the obstructions; whilst it would admit, on the part of congress, that their first recommendation went beyond the absolute exigencies of the public; that congress, having taken a proper ground at first, ought to maintain it till time should convince the states of the propriety of the measure.

"Mr. Bland said, that as the debt had been contracted by congress with the concurrence of the states, and congress was looked to for payment by the public creditors, it was justifiable and requisite in them to pursue such means as would be adequate to the discharge of the debt; and that the means would not be adequate, if limited in duration to a period within which no calculations had shown that the debt would be discharged."—The ayes

Small as the motive was to proceed in the completion of the system, Hamilton still hoped that before the final vote was taken, congress would return to the only principles on which an effective public credit could be established. He then submitted to the committee a list of "objects for taxation." In addition to the impost, he proposed a graduated house tax, a land tax, and various specific taxes.

In this plan the objects of taxation were so chosen, as to throw the public burdens chiefly upon luxuries. They were the same, excluding a few, with those which were embraced in the first revenue system under the present government.

In the proposed house tax, he was governed by a consideration to which he attached great weight—the discontinuance of the arbitrary system of assessments. "Do we imagine," he had remarked in the Continentalist, "that our assessments operate equally? Nothing can be more contrary to the fact. Wherever a discretionary power is lodged in any set of men over the property of their neighbours, they will abuse it. Their passions, prejudices, partialities, dislikes, will have the principal lead in measuring the abilities of those over whom their power extends; and assessors will ever be a set of petty tyrants, too unskilful, if honest, to be possessed of so delicate a trust, and too seldom honest to give them the excuse of want of skill. The genius of liberty reprobates every thing arbitrary or discretionary in taxation. It exacts that every man, by a definite and general rule, should know what proportion of his property the state demands. Whatever liberty we may boast in theory, it cannot exist in fact, while assessments continue. The admission of them among us, is a

were — Rhode Island, New-York, New-Jersey, Pennsylvania, North Carolina, and South Carolina. Noes—Massachusetts, *Virginia*, (Colonel Bland, aye,) Connecticut, and New-Hampshire, divided.

new proof how often human conduct reconciles the most glaring opposites; in the present case, the most vicious practice of despotic governments with the freest constitutions and the greatest love of liberty."

While the discussion was proceeding, the superintendent of finance addressed a letter to congress, stating "that the revenue should be co-existent with the debt; that if granted for a fixed period of time, no more money could be borrowed on it than the price of an annuity for such a time, and the more clear, certain, permanent, and increasing the fund should be, the lower would be the rate of interest." He objected to the proposed impost, on the ground that an advalorem estimation is arbitrary, and suggested that a tax might be laid upon exports, "which, without being burdensome, would still be productive." He concurred in the objections which Hamilton had made as to the estimate of land as a measure of contribution—pointed out its unavoidable inequality—proposed, as a mode of terminating all existing accounts, that the whole sum paid or expended by each state for the public service should be placed to the credit of such state, and that each should draw interest on such sum; and in lieu of the five per cent. impost would have substituted a tariff. This letter was referred; but its views did not prevail, and on the eighteenth of March a report was made to the house. Fearing that the proposed revenues would prove inadequate to their object, a proposition was offered by Wilson, which was seconded by Hamilton, for a small tax on all located and surveyed lands; but it was rejected, four states voting in favour of it.

The report invited the states to confer on congress the power of levying for the use of the United States specific duties on certain enumerated imports, and a duty of five per cent. advalorem upon all other goods, excepting arms, ammunition, and clothing, or articles imported for the use

of the United States, giving a *bounty* to the exporters of a few articles of American production.* It provided that the duties should be applied only to the discharge of the interest or principal of the debts contracted for the support of the war, and to be continued *twenty-five years.* The collectors to be *appointed by the states*, but removable by, and amenable to, congress alone; and that if no appointment should be made by a state within a limited time, that then the appointment should be made by congress.

It recommended also supplementary funds of such a nature "as the states" may respectively *judge most convenient*, to be levied for a term of twenty-five years; to be carried to the separate credit of the states within which they shall be collected; to be liquidated and adjusted among the states according to the *quotas* allotted to them, accounting annually to each for the proceeds and application of these funds. It promised equitable allowances to the states according to their peculiar circumstances, in pursuance of, though partly deviating from, Hamilton's motion of the fourth of March, then rejected. It proposed to ASSUME, with a view to a *more amicable, complete* adjustment of all accounts between the United States and individual states, all *reasonable* expenses incurred by the states *without* the sanction of congress, in their defence against or attacks upon British or savage enemies either by sea or land, and which shall be supported by satisfactory proofs, and declared that they "shall be considered as part of the common charges incident to the present war, and to be allowed as such."† And it suggested an amendment to the articles of the confederation, so that all public charges and expenses should be defrayed out of a common treasury to be sup-

* Fish, beef, and pork.

† This part of the report is founded on a resolution of Madison, the original of which exists in the state department, No. 26, "Report of Committee on Finance."

plied by the states in proportion to the number of *inhabitants of every age, sex, and condition*, excepting *Indians not paying taxes* in each state, according to the laws of each state, except those of certain ages. The enumeration to be made by a triennial census.

These resolutions, when acceded to by every state, were to form a compact irrevocable without the concurrence of all the states, or by a majority of states in congress. Having contended in the committee with earnest perseverance against the leading principles of this report—against the limited term of the grant, the nomination and appointment of the collectors of the revenue by the states, and the entire omission of a land tax—Hamilton brought forward a report, which embraced provisions to meet his objections,* and which contained another important fea-

* March 20th, 1783.—"Whereas congress did, on the 12th day of February last, resolve, that it is the opinion of congress that the establishment of adequate and permanent funds, in taxes or duties which shall operate generally and on the whole in just proportions throughout the United States, are indispensably necessary towards doing complete justice to the public creditors; for restoring public credit, and for providing for the future exigencies of the war. And whereas it is the duty of congress, on whose faith the public debts have been contracted for the common safety, to make every effort in their power for the effectual attainment of objects so essential to the honour and welfare of the United States, relying on the wisdom and justice of their constituents for a compliance with their recommendations:

"Therefore, resolved, That it be earnestly recommended to the several states without delay to pass laws for the establishment of the following funds, to be *vested* in the United States, and to be collected and appropriated by *their authority*, provided that the officers for the collection of the said funds shall be inhabitants of each state respectively in which they reside, and *being nominated by congress*, shall be approved and appointed by such state, accountable to, and removable by, congress; and provided, that if after any nomination being reported to the state, the same is not opposed or rejected at the next meeting of the legislature, the person or persons so nominated shall be deemed to be duly appointed, viz:—A duty of five per cent. advalorem, at the time and place of importation, upon all goods, wares, and merchandises, of foreign growth and manufacture, which may be imported

ture, that had been suggested to congress in seventeen hundred and eighty—the exemption from taxation of wool cards, cotton cards, and the wire for making them; thus

into any of the said states from any foreign port, island, or plantation, except arms, ammunition, clothing, and other articles imported on account of the United States, or any of them, and except wool cards, cotton cards, and wire for making them; and also, except the articles hereinafter enumerated, the duty on which shall be regulated according to the specified rates hereto annexed." * * * * * * Here the duties specified in the report were inserted. "Also a duty of five per cent. advalorem on all prizes and prize goods condemned in any court of admiralty of this state as lawful prize. A land tax,* at the rate of —— ninetieths of a dollar for every one hundred acres of located and surveyed land. A house tax, at the general rate of half a dollar for each dwelling-house, (cottages excepted,) and at the additional rate of two and a half per cent. on whatever sum the rent of said house may exceed twenty dollars, to be calculated on the actual rent, when the house is rented; and when in the occupancy of the owner, on an appraised rent by commissioners under oath appointed by the state periodically. The lot and the appurtenances, in town, and in the country, the out-houses, garden, and orchard, to be comprehended with the dwelling-house. The duties on imports to pass to the general benefit of the United States without credit for the proceeds to any particular states; but the product of the land and house taxes to be credited to each state in which they shall arise. Said funds to *continue till the principal of the debt due by the United States at the termination of the present war shall be finally discharged.*

"That an estimate be transmitted to each state of the amount of the public debt, as far as the same can be ascertained, and that congress will inviolably adhere to their resolutions of the 16th day of December last, respecting the appropriation of the funds which may be granted, and the annual transmission of the state of the public debt, and the proceeds and disposition of the said funds; by which all doubts and apprehensions respecting the *perpetuity* of the public debt may be effectually removed."

These resolutions were not to take effect until acceded to by every state,

* Madison Papers, v. 1, p. 300.—Madison states that "*he* suggested, as practicable objects of a general revenue—first, an impost on trade; secondly, a poll tax, under certain qualifications; thirdly, a land tax, under ditto. Mr. Hamilton suggested a house and *window tax*."

It has been seen, ante, vol. 1, p. 370, that Hamilton had proposed, in 1781, a land and poll tax, and that the superintendent of finance had also suggested the same taxes.—D. C. vol. 12, p. 226. That Hamilton suggested "a house *and window tax*," is an error. His list of "objects of taxation" mentions dwelling-houses, rated according to the number of rooms, with an addition for each room painted, or papered, or having a marble chimney-piece, or a stucco roof—or rated according to the number of hearths—or to the *number of windows* exceeding *three*,—different measures of value.

looking to the protection of domestic industry, of which, with such surprising sagacity, he foretold the advantages in his youthful essays.

Having introduced these propositions, which he saw would result, if adopted, in an essential invigoration of the confederacy, he moved a postponement of the report of the committee, in order to bring forward his own views; but, though sustained by the votes of Connecticut, New-York, New-Jersey, and Pennsylvania, he was defeated by those of Massachusetts, Rhode Island, Maryland, Virginia, and of both the Carolinas.*

The discussion of the original report was resumed on the ensuing day, when a proposition was offered to complete that part for raising a revenue by imposts; but it was rejected, some of the members being unwilling to complete it without embracing the supplemental funds. A motion was then made to strike out the land valuation as the rule of contribution, which would necessarily be much deferred, and, as proposed to be made by the states, might be indefinitely postponed, and to substitute the population. The articles of confederation, as first reported, fixed as the measure of taxation the number of the inhabitants of the states, exclusive of Indians not taxed, which it was also proposed to establish as the measure of representation; a proposition sustained only by the vote of Virginia. The states in which slavery was not tolerated insisted that freemen alone ought to have a political voice; the slave-

when they were to form a *mutual compact*, irrevocable by any one state without the concurrence of the whole, or of a majority of the states in congress.

* 4 J. C. 177.—The votes of Massachusetts, Virginia, and South Carolina, were not unanimous. Holten, of the first state, voted for Hamilton's motion; Gorham, Higginson, and Osgood, against it. Col. *Bland*, of Virginia, was for it; Lee, *Madison*, and Mercer, against it. Rutledge, of South Carolina, was for it; Gervais and Izard, against it.

holding states, that representation ought to be apportioned to taxation; that if slaves were computed in the enumeration of the inhabitants in apportioning the public burdens, they ought also to be counted in adjusting the scale of representatives.

In this competition for power the eastern states prevailed, and the land valuation, objectionable as it was known to be, was adopted as the only alternative to escape this perplexing question. The difficulty of making such a valuation indicated a resort to some other expedient, and the idea was suggested of a compound vote of freemen and slaves as the basis of federal numbers. At first it was proposed that *one-half* of the number of slaves should be embraced; which being objected to by the south, two-thirds were proposed; for which number New-Hampshire, Connecticut, New-York, New-Jersey, Pennsylvania, and Delaware, were in the affirmative, Rhode Island divided, and Maryland, Virginia, North and South Carolina, in the negative.

The committee then agreed to report* as the ratio of contribution, that the whole number of free inhabitants, and three-fifths of all other inhabitants of every sex and condition, except Indians not paying taxes in each state, should be computed. This proposal failed. New-Hampshire, New-Jersey, Pennsylvania, Maryland, Virginia, and North Carolina, being in favour of it; Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina, opposed to it. Owing to Hamilton's absence, the vote of New-York was lost. On the first of April, he moved a reconsideration of this question, and offered an amendment, by which the apportionment of the expenses was to be in proportion to the whole number of *white* and other free inhabitants of every age, sex, and condition, *including*

* 4 J. C. 180.—March 28.

those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each state; to be comprehended in a triennial census, and transmitted to congress. This motion prevailed by a vote of all the states, excepting Massachusetts and Rhode Island. Thus the important principle so long debated, as to the rule of contribution to all charges for the common defence and general welfare, was recommended as a part of the federal system.

This great obstacle being at last removed, after considering a report of Hamilton for the reduction of the expenses of the war department, and also the measures which have been adverted to as to the execution of the treaty, congress proceeded steadfastly to the adjustment of a revenue system; the enumerated articles, except the duty on salt, being retained.

On the eighteenth of April, the details having been completed, an amendment was proposed which recommended to the states that had not ceded their unappropriated lands to the United States, to make such cessions; and to those which had complied in part only with the resolutions of congress, "to revise and complete that compliance." This amendment was adopted, and the act being approved by the vote of all except four members, it was referred to Madison, Ellsworth, and Hamilton, to prepare an explanatory address.

On the twenty-fifth the draft of a report was introduced, giving an estimate of the national debt,* accompanied with Hamilton's address to Rhode Island, with a computation of

* The foreign debt was computed to amount to $ 7,885,085
Domestic 34,115,290
Total 42,000,000
Annual interest at stipulated rates, ... 2,415,956

the yearly product of the impost, a view of the foreign loans, and with the papers relating to the discontents of the army. On the following day this report was agreed to. It apologized for the departure from "the strict maxims of national credit," which required that "the revenue ought manifestly to be coexistent with the object of it," and the collection placed in every respect under that authority which was responsible for its application. It also stated the necessity of supplemental funds, and urged the importance of the proposed change in the mode of estimating the ratio of contribution by the states. The address closed with an exhortation to the states to fulfil their engagements, and reproved, in marked terms, the idea of a discrimination between the original holders of the debt and purchasers. It was from the pen of Madison. On the final question as to the revenue system, Hamilton, with Higginson and the members from Rhode Island, voted in the negative. He deemed it important to give an explanation to the state of New-York of his course on this subject, and of the reasons of his opposition. With this view he wrote the following letter.

HAMILTON TO GOVERNOR CLINTON.

Philadelphia, May 14, 1783.

The president of congress will of course have transmitted to your excellency the plan lately adopted by congress for funding the public debt. This plan was framed to accommodate it to the objections of some of the states; but this spirit of accommodation will only serve to render it less efficient, without making it more palatable. The opposition of the state of Rhode Island, for instance, is chiefly founded upon these two considerations: the merchants are opposed to any revenue from trade; and the state, depend-

ing almost wholly on commerce, wants to have credit for the amount of the duties.

Persuaded, that the plan now proposed will have little more chance of success than a better one, and that if agreed to by all the states it will in a great measure fail in the execution, it received my negative.

My principal objections were—First, that it does not designate the funds (except the impost) on which the whole interest is to arise; and by which (selecting the capital articles of visible property) the collection would have been easy, the funds productive, and necessarily increasing with the increase of the country. Secondly, that the duration of the funds is not coextensive with the debt; but limited to twenty-five years, though there is a moral certainty that in that period the principal will not, by the present provision, be fairly extinguished. Thirdly, that the nomination and appointment of the collectors of the revenue are to reside in each state, instead of, at least, the nomination being in the United States; the consequence of which will be, that those states which have little interest in the funds, by having a small share of the public debt due to their own citizens, will take care to appoint such persons as are the least likely to collect the revenue.

The evils resulting from these defects will be, that in many instances the objects of the revenue will be improperly chosen, and will consist of a multitude of little articles, which will, on experiment, prove insufficient; that, for want of a vigorous collection in each state, the revenue will be unproductive in many, and will fall chiefly on those states which are governed by most liberal principles; that for want of an adequate security, the evidences of the public debt will not be transferable for any thing like their value. That this not admitting an incorporation of the creditors in the nature of banks, will deprive the public of

the benefit of an increased circulation, and of course will disable the people from paying the taxes for want of a sufficient medium. I shall be happy to be mistaken in my apprehensions, but the experiment must determine.

I hope our state will consent to the plan proposed; because it is her interest, at all events, to promote the payment of the public debt in continental funds, independent of the general considerations of union and propriety. I am much mistaken if the debts due from the United States to the citizens of the state of New-York do not considerably exceed its proportion of the necessary funds; of course it has an immediate interest that there should be a continental provision for them. But there are superior motives that ought to operate in every state—the obligations of national faith, honour, and reputation.

Individuals have been too long already sacrificed to the public convenience. It will be shocking, and, indeed, an eternal reproach to this country, if we begin the peaceable enjoyment of our independence by a violation of all the principles of honesty and true policy.

It is worthy of remark, that at least four-fifths of the domestic debt are due to the citizens of the states from Pennsylvania inclusively northward.

P. S.—It is particularly interesting that the state should have a representation here. Not only many matters are depending which require a full representation in congress, and there is now a thin one, but those matters are of a nature so particularly interesting to our state that we ought not to be without a voice in them. I wish two other gentlemen of the delegation may appear as soon as possible, for it would be very injurious to me to remain much longer. Having no future views in public life, I owe it to myself without delay to enter upon the care of my private concerns in earnest.

It is difficult, looking merely at the force of the reasoning in favour of his views, to comprehend, at this time, how any hesitation could have existed as to the system to be preferred.

The objections to that proposed by congress are so obvious, and the consequences of attempting to carry it into effect were so certain, that it cannot be matter of surprise that Hamilton regarded it as an attempt which would, "in a great measure, fail in the execution." But notwithstanding, true to those principles of action which governed his whole career, it is to be remarked in this letter how entirely his mind rose above all sense of defeat, and with what unreserved and earnest interest he urged the adoption of a measure, not such as he desired, but as the best which, after every exertion to amend it, that could be obtained.

It has been mentioned that the superintendent of finance had intimated to congress his intention to resign. In the disposition which then existed to cast reproach upon that most valuable officer, this purpose had been misrepresented, and attempts were made to induce the belief that his sole object was to embarrass the operations of government.

On the passage of the revenue bill, a committee, of which Hamilton was a member, was appointed to confer with him. After a full exposition of the motives which had influenced him, which were, "the continued refusal of congress to make an effectual provision for the public debts," and from which he saw that his administration would probably end in disgrace, and with the complete overthrow of the national credit and ruin of his private fortune, he consented to retain his place. That body then passed a resolution "that the *public service required* his continuance in office until the reduction of the army, and the completion of the financial arrangements connected with it."

It has been perceived that at an early stage of the discussions as to revenue, Hamilton had sought to open the doors of congress. As peace had not yet been concluded, his proposal at that time was of a limited nature. The termination of hostilities no longer afforded a reason for secret proceedings, while the course of the recent discussions the more convinced him of the great importance of their deliberations being public. To effect this, a resolution was offered,* which he seconded, declaring that open debate should be the rule of the house, and secrecy the exception. This proposed change was founded on a declaration "of the importance, in every free country, that the conduct and sentiments of those to whom the direction of public affairs is committed, should be publicly known." A motion to postpone this question—connected with an assurance that when congress should have a fixed place of residence, uninfluenced by any particular state, that then this principle should be adopted—was rejected, and the main proposition was negatived by a large majority.† Immediately after the passage of the revenue act, Hamilton devoted his attention to his duties as chairman of the military committee. On the first of May he submitted a report for the reduction of the corps of invalids. It provided full pay for life to all seriously disabled officers; directing the establishment of an hospital for all the non-commissioned officers and soldiers who were proper subjects for it, to be supported for life, granting to them in the mean time their rations and clothing, and entitling them to participate in any other beneficiary provisions which might be made for the army. Hitherto the army had only received an assurance of present pay. The financier was without funds, and no early revenue from taxes was to be anticipated. The

* By James Wilson.

† The affirmatives were, Bland, Fitzsimmons, Gorham, Hamilton, Wilson.

only resources were a compliance with the late requisition and a loan. On the second of May, Hamilton brought forward a resolution on these subjects.

It recited "the indispensable necessity of making the army, when reduced, an advance of pay before they leave the field; and as there are many other engagements for which the public faith is pledged, that the states be called upon, in the most solemn manner, to make every effort for the collection of taxes; and that congress confidently rely, for an immediate and efficacious attention to the present requisition, upon the disposition of their constituents, not only to do justice to those brave men who have suffered and sacrificed so much in the cause of their country, and whose distresses must be extreme, should they be sent from the field without a payment of a part of their well-earned dues; but also to enable congress to maintain the faith and reputation of the United States, both which are seriously concerned in relieving the necessities of a meritorious army and fulfilling the public stipulations. That the superintendent of finance be directed to make the necessary arrangements for carrying the views of congress into execution; and that he be assured of their firm support towards fulfilling the engagements he has already taken or may take on the public account during his continuance in office; and that a further application should be made to the king of France for an additional loan of three millions of livres."

Anxious that no effort should be omitted for the fulfilment of the pledges given by congress to apportion to the troops specific quantities of land, he prepared a resolution "that a committee should be appointed to consider of the best manner of carrying into execution the engagements of the United States for certain allowances of land to the army at the conclusion of the war." This subject was referred to a grand committee, by which, after frequent

deliberations, a report framed by Hamilton was adopted, which declared that until the lands should be located and surveyed, that certificates should be given to the officers and soldiers as evidences of their claims, and also to the representatives of those who had fallen in the service. The apprehensions which Washington had expressed of the excited feelings of the army were strongly participated in by congress, and a resolution was offered to discharge that part of it which had been enlisted during the war.

Hamilton's failure to establish* the immediate execution of the provisional articles, induced him to propose a cautionary substitute. The commander-in-chief was instructed to grant furloughs to the soldiers enlisted for the war, with an assurance of their discharge on the conclusion of the definitive treaty, and that measures would be taken that they should be conducted to their homes in a manner most convenient to themselves, and to the states through which they may pass, and should "be allowed to take their arms with them;"† a deserved tribute, which had been suggested in the camp.

The dissatisfaction of the troops was a subject of constant solicitude to Washington. He addressed congress on the subject. Hamilton moved that a copy of his letter should be transmitted to the states, and that they should be urged to facilitate the punctual payment of the notes issued to the army. So constant and pressing were the calls of congress, and such the remissness of the states.

Hamilton now directed his attention to the removal of all obstacles to the execution of the treaty, and to measures for the security of the frontiers.

In reference to the first object, he proposed a remonstrance‡ to the British government as to the deportation of the negroes, asking reparation for the injury. While

* May 28. † 4 J. C. 224. ‡ May 30.

demanding of England the fulfilment of her engagements, he was the more anxious to provide against any infractions by the United States; and with this view he introduced a report, which was followed by an important resolution. This resolution required the removal of all obstructions by the states to the recovery of debts; the restitution of all confiscated property on receiving an equivalent; and the discontinuance of all confiscations, as due "to that spirit of moderation and liberality which ought ever to characterize the deliberations and measures of a free and enlightened nation." Previous mention has been made of the different views of other leading individuals. They are strongly shown in the report of Madison to the preceding congress, on the terms of a treaty with England.

The violence already displayed by the citizens of New-York towards the tories, and the unwise legislation of that state, probably induced Hamilton's early attention to this subject. On a division of the house, he alone voted* against the commitment of the report, so urgent was his sense of the policy and duty of fulfilling the provisional articles. Immediately after this vote, resolutions of Virginia of the seventeenth December previous, directing the commissioners at Paris "neither to agree to any restitution of property confiscated by the state, nor to submit that the laws made by any independent state of this union be subjected to the adjudication of any power or powers on earth," were considered. These resolutions, if regarded, would have prevented the conclusion of that article of the preliminary treaty, which provided against any lawful impediment being interposed to the creditors on either side recovering the full value, in sterling money, of all bona fide debts contracted before the war. Congress resolved† that this stipulation

* 1 Mad. 456.—Madison says, "the report being finally committed *nem. con.*" but see 4 J. C. p. 225, and 3 S. J. p. 358. † May 30.

could not be retracted "without a violation of the national faith, and that the honour and interest of these United States require it should be substantially complied with." At the instance of Pennsylvania, a resolution was passed on the same day instructing the negotiators to endeavour to amend the treaty so as to defer any execution for debts contracted previous to the war for a period of three years, and declaring their opinion that demands for interest accruing during the war would be highly inequitable and unjust.

Apprehensive lest the acts which had already taken place might prevent the conclusion of the definitive treaty, after the interval of a day, Hamilton wrote to Clinton recapitulating the general arguments in favour of clemency, and enforcing them by a view of the peculiar and strong interests of the state he represented.

HAMILTON TO GOVERNOR CLINTON.

Philadelphia, June 1, 1783.

SIR,

In my last letter to your excellency, I took occasion to mention that it was of great importance to the state, at this time, to have a representation here, as points in which, by its present situation, it is particularly interested, are daily and will be daily agitated. It is also of importance at this moment to the United States, not only from general considerations, but because we have a very thin representation in congress, and are frequently unable to transact any of those matters which require nine states. I wish your excellency would urge two gentlemen to come on, as it becomes highly inconvenient to me to remain here, and as I have staid the full time to be expected.

I observe with great regret the intemperate proceedings among the people in different parts of the state; in violation of a treaty, the faithful observance of which so

deeply interests the people of the United States. Surely, the state of New-York, with its capital and its frontier posts (on which its important fur trade depends) in the hands of the British troops, ought to take care that nothing is done to furnish a pretext on the other side, even for delaying, much less for resisting the execution of the treaty. We may imagine that the situation of Great Britain puts her under the necessity, at all events, of fulfilling her engagements, and cultivating the good-will of this country This is, no doubt, her true policy; but when we feel that passions make us depart from the true dictates of reason—when we have seen that passion has had so much influence in the conduct of the British in the whole course of the war—when we recollect that those who govern them are men like ourselves, and alike subject to passions and resentments—when we reflect, also, that all the great men in England are not united in the liberal scheme of policy with respect to this country, and that in the anarchy which prevails, there is no knowing to whom the reins of government may be committed—when we recollect how little in a condition we are to enforce a compliance with our claims—we ought certainly to be cautious in what manner we act, especially when we in particular have so much at stake, and should not openly provoke a breach of faith on the other side by setting the example.

An important distinction is not sufficiently attended to. The fifth article is recommendatory; the sixth positive,—there is no option on the part of the particular states, as to any future confiscations, persecutions, or injuries of any kind, to person, liberty, or property, on account of any thing done in the war. It is matter of discretion in the states, whether they will comply with the recommendations contained in the fifth article; but no part of the sixth can be departed from by them, without a direct breach of public faith and of the confederation. The power

of making treaties, is exclusively lodged in congress. That power includes whatever is essential to the termination of the war and to the preservation of the general safety. Indemnity to individuals in similar cases, is an *usual* stipulation in treaties of peace, of which many precedents are to be produced.

Should it be said that the associations of the people without legal authority do not amount to a breach of the public faith; the answer is, if the government does not redress them, and prevent their having this effect, it is as much a breach as a formal refusal to comply on its part. In the eye of a foreign nation, if our engagements are broken, it is of no moment whether it is for the want of good intention in the government or for want of power to restrain its subjects. Suppose a violence committed by an American vessel on the vessel of another nation upon the high seas; and, after complaint made, there is no redress given, is not this an hostility against the injured nation, which will justify reprisals?

But, if I am not misinformed, there are violations going on in form of law. I am told that indictments continue to be brought under the former confiscation laws, in palpable infraction, if true, of the sixth article of the treaty; to which an immediate stop ought, no doubt, to be put.

It has been said by some men that the operation of this treaty is suspended till the definitive treaty: a plain subterfuge.* Whatever is clearly expressed in the provisional or preliminary treaty, is as binding from the moment it is made as the definitive treaty, which in fact only de-

* Madison Papers, vol. 1, p. 444. Yet Madison says, "Mr. Hamilton acknowledged that he began to view the *obligation* of the provisional treaty in a different light, and in consequence, wished to vary the direction of the commander-in-chief from a positive to a preparatory one; as his motion on the Journal states."—The real motive to that proposed variance has been sufficiently shown.

velops, explains, and fixes more precisely what may have been too generally expressed in the former. Suppose the British should now send away not only the negroes, but all other property, and all the public records in their possession belonging to us, on the pretence above stated; should we not justly accuse them with breaking faith? Is not this already done in the case of the negroes who have been carried away, though founded upon a very different principle, a doubtful construction of the treaty, not a denial of its immediate operation. In fine, is it our interest to advance this doctrine, and to countenance the position, that nothing is binding till the definitive treaty, when there are examples of years intervening between preliminary and definitive treaties?

Sir Guy Carleton in his correspondence has appeared to consider the treaty as immediately obligatory, and it has been the policy which I have preferred, to promote the same idea. I am not indeed apprehensive of a renewal of the war, for peace is necessary to Great Britain; I think it also most probable her disposition to conciliate this country will outweigh the resentments which a breach of our engagements is calculated to inspire. But with a treaty which has exceeded the hopes of the most sanguine, which in the articles of boundary and of the fisheries is even better than we asked, circumstanced as this country is with respect to the means of making war, I think it the height of imprudence to run any risk. Great Britain, without recommencing hostilities, may evade parts of the treaty. She may keep possession of the frontier posts. She may obstruct the free enjoyment of the fisheries. She may be indisposed to such extensive concessions in matters of commerce as it is our interest to aim at. In all this she would find no opposition from any foreign power, and we are not in a condition to oblige her to any thing.

If we imagine that France, obviously embarrassed her-

self in her finances, would renew the war to oblige Great Britain to the restoration of our frontier posts, or to a compliance with the stipulations respecting the fisheries, (especially after a manifest breach of the treaty on our part,) we speculate much at random. Observations might be made on the last article which would prove that it is not the policy of France to support our interests there.

Are we prepared, for the mere gratification of our resentments, to put these great national objects at hazard—to leave our western frontier in a state of insecurity—to relinquish the fur trade, and to abridge our pretensions to the fisheries?

Do we think national character so light a thing, as to be willing to sacrifice the public faith to individual animosity? Let the case be fairly stated. Great Britain and America, two independent nations at war—the former in possession of considerable posts and districts of territory belonging to the latter, and also of the means of obstructing certain commercial advantages in which it is deeply interested.

It is not uncommon in treaties of peace for the *uti possidetis* to take place. Great Britain, however, in the present instance stipulates to restore all our posts or territory in her possession. She even adds an extent not within our original limits, more than a compensation for a small part ceded in another quarter. She agrees to readmit us to a participation in the fisheries. What equivalent do we give for this? Congress are to recommend the restoration of property to those who have adhered to her, and expressly engage that no future injury shall be done them in person, liberty, or property.

This is the sole condition on our part where there is not an immediate reciprocity, (the recovery of debts and liberation of prisoners being mutual;) the former indeed is only declaring what the rights of private faith, which all civil-

lzed nations hold sacred, would have dictated without it, and stands as the single equivalent for all the restitutions and concessions to be made by Great Britain. Will it be honest in us to violate this condition, or will it be prudent to put it in competition with all the important matters to be performed on the other side? Will foreign nations be willing to undertake any thing with us or for us, when they find that the nature of our government will allow no dependance to be placed upon our engagements?

I have omitted saying any thing of the impolicy of inducing, by our severity, a great number of useful citizens, whose situations do not make them a proper object of resentment, to abandon the country, to form settlements that will hereafter become our rivals, animated with a hatred to us which will descend to their posterity. Nothing, however, can be more unwise than to contribute, as we are doing, to people the shores and wilderness of Nova Scotia, a colony, which, by its position, will become a competitor with us, among other things, in that branch of commerce on which our navigation and navy will essentially depend—I mean the fisheries, in which I have no doubt the state of New York will hereafter have a considerable share.

To your excellency I freely deliver my sentiments, because I am persuaded you cannot be a stranger to the force of these considerations. I fear not even to hazard them to the justice and good sense of those I have the honour to represent. I esteem it my duty to do it, because the question is important to the interests of the state, in its relation to the United States.

Those who consult only their passions, might choose to construe what I say as too favourable to a set of men who have been the enemies of the public liberty; but those for whose esteem I am most concerned, will acquit me of any personal considerations, and will perceive that I only urge the cause of national honour, safety, and advantage. We

have assumed an independent station, we ought to feel and to act in a manner consistent with the dignity of that station.

I anxiously wish to see every prudent measure taken to prevent those combinations which will certainly disgrace us, if they do not involve us in other calamities. Whatever distinctions are judged necessary to be made in the cases of those persons who have been in opposition to the common cause, let them be made by legal authority, on a fair construction of the treaty, consistent with national faith and national honour.

P. S.—Your excellency will have been informed that congress have instructed General Washington to garrison the frontier posts, when surrendered, with the three years continental troops. This is more for the interest of the state than to have them garrisoned at its particular expense; and I should wish that permanent provision might be made on the same principles. I wait to see whether any continental peace establishment for garrisons will take place, before I engage the consent of congress to a separate provision. I cannot forbear adding a word on the subject of money. The only reliance we now have for redeeming a large anticipation on the public credit, already made and making for the benefit of the army, is on the taxes coming in. The collection hitherto is out of all proportion to the demand. It is of vast consequence at this juncture that every thing possible should be done to forward it. I forbear entering into details which would be very striking on this subject. I will only say, that unless there is a serious exertion in the states, public credit must ere long receive another shock, very disagreeable in its consequences, &c."

It has been observed that the territorial controversy be-

tween New-York and the people of Vermont had remained, at the commencement of this congress, unadjusted. Congress had never acted with decision on this subject. New-England, with the exception of New-Hampshire, was in favour of the disaffected party. Some of its leading men denied the right of congress to interfere; most doubted the expediency. The four states south of New-York also favoured their pretensions. She was only sustained by the southern states—jealous of the east—unwilling to admit into the union another small state to enjoy equal political weight, and to have a voice in respect to their western claims. But New-York entertained no doubt of her rights, and looked with extreme jealousy on any interference with them. Several individuals who acknowledged their allegiance to her had been banished by Vermont, and their estates confiscated. This procedure was brought before congress on the fifth of December, by a resolution seconded by Hamilton, declaring it to be "highly derogatory to the authority of the United States, and dangerous to the confederacy;" requiring restitution of the confiscated property, and pledging themselves to enforce it. After several proposed modifications, it passed. The only object of this resolution was to prevent hostile collisions until the question of jurisdiction should be settled, or at least until the termination of the war. But the enforcement of it would be extremely difficult in a country of mountains and defiles, by troops, most of whom were from the eastern states, and all averse to such a conflict. When Hamilton proposed this resolution, he had recently taken his seat in congress, and was uninformed of the diversity of the views entertained by its members on this subject. As soon as he ascertained the true position of the question, he wrote to Clinton suggesting a compromise. The governor replied that the prevailing opinion of the state was, that a partial compromise would be improper, as congress had en-

gaged to make a final decision of the controversy. He thought, however, that if the summit of the mountains should be designated by them as the boundary, New-York would submit to it "for the sake of peace."

Hamilton again adverted to this subject:—

"A few days since I was honoured with your excellency's letter of the ———, and was glad to find your ideas on the subject corresponded with mine. As I shall in a day or two take leave of Congress, I think it my duty to give my opinion to the legislature in a matter of importance to the state, which has been long depending, and is still without a prospect of termination, in the train in which it has been placed. I mean the affair of the grants. It is hazardous to pass a positive judgment on what will happen in a body so mutable as that of congress; but from all I have seen, I have come to a settled opinion, that no determination will be taken and executed by them in any other manner than in that prescribed by the confederation. There is always such a diversity of views and interests, so many compromises to be made between different states, that in a question of this nature, the embarrassments of which have been increased by the steps that have preceded, and in which the passions of the opposite sides have taken a warm part, decision must be the result of necessity. While congress have a discretion, they will procrastinate; when they are bound by the constitution, they must proceed.

"It is therefore my opinion that it will be advisable for the legislature, when they meet, to revive the question, and either to relinquish their pretensions to the country in dispute, or to instruct their delegates, if a decision is not had within a limited time, to declare the submission to congress revoked, and to institute a claim according to the principles of the confederation. It would be out of my province to discuss which side of the alternative ought, in

policy, to prevail; but I will take the liberty to observe, that if the last should be preferred, it would be expedient to remove every motive of opposition from private claims, not only by confirming in their full latitude, previous to the trial, the possessions of the original settlers, but even the grants of the usurped government. It may happen that it will be eventually necessary to employ force; and in this case, it would be of great importance that neither the inhabitants of the grants, nor powerful individuals in other states, should find their private interest in contradiction to that of the state. This has already had great influence in counteracting our wishes, would continue to throw impediments in the way of ulterior measures, and might at last kindle a serious flame between the states.

"I communicated to your excellency in a former letter, that I had declined pressing the application of the legislature to congress respecting the state troops for garrisoning the frontier posts, because temporary provision had been made in another way, which would save the state the immediate expense; and because there was a prospect of some general provision for the defence of the frontiers, on a continental establishment, which was to be preferred on every account. A report for this purpose is now before congress, but the thinness of the representation has for some time retarded, and still retards its consideration. The definitive treaty has not yet arrived, but from accounts which, though not official, appear to deserve credit, it may daily be expected. A gentleman known and confided in has arrived at Philadelphia, who informs that he saw a letter from Dr. Franklin to Mr. Barkely, telling him that the definitive treaties were signed the seventh of May, between all the parties; that New York was to be evacuated in six months from the ratification of the preliminaries in Europe, which will be the twelfth or fifteenth of next month.

"As it is not my intention to return to congress, I take this opportunity to make my respectful acknowledgments to the legislature, for the honourable mark of confidence conferred upon me by having chosen me to represent the state in that body. I shall be happy if my conduct has been agreeable to them."

CHAPTER XXXVI.

During the various progressive steps towards the establishment of a national revenue, and the adjustment of the claims of the army, Colonel Hamilton's attention had also been directed to other matters of permanent interest.

Soon after his appointment as chairman of the military committee, he took into view a branch of the service, which, from the amount of the expenditure, its connection with the comforts of the army, and its previous inefficiency, was a subject of prominent importance—the Quartermaster-general's Department.

The difficulties attendant upon a proper establishment for the military supplies, have been frequently adverted to. While a member of the committee of co-operation, General Schuyler had, after urging General Greene to continue at the head of this department, strenuously pressed the adoption of a plan framed by Hamilton, stating in a letter to congress, "that the business should be prosecuted in the most spirited manner, and upon the largest estimate." This plan was not adopted; frequent modifications of the system were made, the last on the twenty-eighth October, seventeen hundred and eighty-two. This drew from the quartermaster-general a letter, setting forth the necessity of a change.

Hamilton framed a new organization, gave to the quartermaster-general the appointment of all the officers belonging to this department, designated them, defined their compensation, specified the means of transportation to be

allotted to each rank in the army, and their respective forage and subsistence, providing checks upon the issues.

In consequence of a letter from the president of the state of Pennsylvania respecting a peace with the Indians, he framed a report in which—after reciting that by the ninth article of the confederation the sole and exclusive right and power of regulating the trade and managing all the affairs with the Indians, not members of any of the states, is in the United States—it was declared that the superintendence of Indian affairs should be annexed to the department of war. That there should be an immediate suspension of hostilities with them, and that four agents, one for each of four districts, embracing the eastern, northern, southern, and western Indians, should be appointed to negotiate treaties. Lest the exercise of this power should be interpreted into a waiver of any rights, a proviso was added that the preceding measures of congress shall not be construed to affect the territorial claims of any of the states, or their legislative rights, within their respective limits.*

He also, as chairman of the committee on peace arrangements, sensible of the great importance of arranging the executive departments, drew a report in relation to the department of foreign affairs.†

It provided that the secretary of that department should be considered as the head of the diplomatic corps. To remove any doubts which may have existed as to the nature of the office, it was declared to be his duty to lay before congress such plans for conducting the political and commercial intercourse of the United States with foreign nations, as might appear to him conducive to their interest. He was to be entitled to the same salary and allowances as were provided for a minister at a foreign court, and to

* April 21. † May 8.

have an official secretary to be nominated by himself, to receive the same compensation as a secretary of an embassy. The compensation of each minister was also specified. He was to be invested with consular powers, and to be at the same time consul-general in the country where he resided; having the control of all vice-consuls or inferior commercial agents, but not to be at liberty to engage directly or indirectly in any traffic. Vice-consuls were to be appointed without salaries, but with permission to trade.

The secretary of foreign affairs, in order to carry this plan into effect, was directed to prepare and lay before congress an ordinance for regulating the consular powers and privileges, and a plan of a convention to be entered into with foreign powers for that purpose.

A proposition was also at this time introduced* which has a grateful aspect amid the serious responsibilities incident to war.

During the previous year, General Schuyler offered a resolution in the legislature of New-York to secure copyrights to authors and publishers. A recommendation was now made to the states to secure this right for fourteen years, renewable for a similar term.

Hamilton had, at an early period, expressed the opinion, that in "the existing constitution an army was essential to the American union." It was not less important as a security against foreign aggression, than as a necessary mean of preserving domestic tranquillity.

It has been seen that he had invited Washington to communicate his views as to a peace establishment. A reply was received from him, containing a memorial and suggestions from different officers of the general staff, and reminding congress of the necessity of occupying the posts

* By Dr. H. Williamson.

the moment they were evacuated. In his late letter to the governor of New-York, Hamilton had informed him that a report of a plan for a continental peace establishment was then before them. The draft of this report, in his hand, exists among his papers. It was prefaced by the following important observations.

"Before any plan with propriety can be determined for a military peace establishment, it is necessary to ascertain what powers exist for that purpose in the confederation.

"First—By the fourth clause of the sixth article it is declared, that no vessels of war shall be kept up by any state, in time of peace, except such number only as shall be deemed necessary by the United States, in congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States, in congress assembled, shall be deemed requisite to garrison the posts necessary for the defence of such state.

"Secondly—By the fifth clause of the ninth article, the United States, in congress assembled, are empowered generally (and without mention of peace or war) to build and equip a navy, to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in each state, which requisition shall be binding; and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States: and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States, in congress assembled.

"Thirdly—By the fourth clause of the same article, the United States are empowered to appoint all officers of the land forces in the service of the United States, excepting

regimental officers, to appoint all officers of the naval forces, and to commission all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

"It appears to the committee that the terms of the first clause are rather restrictive on the particular states, than directory to the United States; intended to prevent any state from keeping up forces, land or naval, without the approbation and sanction of the union, which might endanger its tranquillity and harmony, and not to contravene the positive power vested in the United States by the subsequent clauses, or to deprive them of the right of taking such precautions as should appear to them essential to the general security. A distinction that this is to be provided for in time of war by the forces of the union, in time of peace by those of each state, would involve, beside other inconveniences, this capital one—that when the forces of the union should become necessary to defend its rights, and repel any attacks upon them, the United States would be obliged to *begin to create*, at the very moment they would have occasion to *employ*, a fleet and army. They must wait for an actual commencement of hostilities before they would be authorized to prepare for defence, to equip a single regiment, or to build a single ship.

"When it is considered what a length of time is requisite to levy and form an army, and still more to build and equip a navy, which is evidently a work of leisure and of peace, requiring a gradual preparation of the means, there cannot be presumed so improvident an intention in the confederation, as that of obliging the United States to suspend all provision for the common defence until a declaration of war, or an invasion. If this is admitted, it will follow that they are at liberty to make such establishments in time of peace as they shall judge requisite to the common safety.

"This is a principle of so much importance in the apprehension of the committee to the welfare of the union, that if any doubt should exist as to the true meaning of the first mentioned clause, it will, in their opinion, be proper to admit such a construction as will leave the general power vested in the United States by the other clauses in full force, unless the states respectively or a majority of them shall declare a different interpretation.

"The committee, however, submit to congress (in conformity to that spirit of candour, and to that respect for the sense of their constituents which ought ever to characterize their proceedings,) the propriety of transmitting the plan which they may adopt to the several states, to afford an opportunity of signifying their sentiments previous to the final execution.

"The committee are of opinion, if there is a constitutional power in the United States for that purpose, that there are conclusive reasons in favour of fœderal in preference to state establishments. First, there are objects for which separate provision cannot conveniently be made; posts within certain districts, the jurisdiction and property of which are not yet constitutionally ascertained—territory appertaining to the United States not within the original claim of any of the states—the navigation of the Mississippi, and of the lakes—the rights of the fisheries, and of foreign commerce; all which, belonging to the United States, depending on the laws of nations and on treaty, demand the joint protection of the union, and cannot with propriety be trusted to separate establishments.

"Secondly—The fortifications proper to be established ought to be constructed with relation to each other, on a general and well-digested system, and their defence should be calculated on the same principles. This is equally important in the double view of safety and economy. If this is not done under the direction of the United States,

each state following a partial and disjointed plan, it will be found that the posts will have no mutual dependence or support; that they will be improperly distributed, and more numerous than is necessary, as well as less efficacious, of course more easily reduced, and more extensive both in the construction and defence.

"Thirdly—It happens that, from local circumstances, particular states, if left to take care of themselves, would be in possession of the chief part of the standing forces, and of the principal fortified places of the union, a circumstance inconvenient to them and to the United States: to them, because it would impose a heavy exclusive burden, in a matter the benefit of which will be immediately shared by their neighbours; and ultimately by the states at large; to the United States, because it confides the care of the safety of the *whole* to a *part*, which will naturally be unwilling as well as unable to make such effectual provision, at its particular expense, as the common welfare requires; because a single state, from the peculiarity of its situation, will in a manner keep the keys of the United States; because, in fine, a considerable force in the hands of a few states may have an unfriendly aspect, in the confidence and harmony which ought carefully to be maintained between the whole.

"Fourthly—It is probable that a provision by the United States of the forces necessary to be kept up will be made upon a more systematic and economical plan, than a provision by the states separately; especially as it will be of importance, as soon as the situation of affairs will permit, to establish foundries, manufactories of arms, powder, &c., by means of which, the labour of part of the troops applied to this purpose will furnish the United States with those essential articles on easy terms, and contribute to their own support.

"Fifthly—There must be a corps of artillery and engi-

neers kept on foot in time of peace, as the officers of this corps require science and long preliminary study, and cannot be formed on an emergency, and as the neglect of this institution would always oblige the United States to have recourse to foreigners, in time of war, for a supply of officers in this essential branch; an inconvenience which it ought to be the object of every nation to avoid. Nor indeed is it possible to dispense with the services of such a corps in time of peace, as it will be indispensable not only to have posts on the frontier, but to have fortified harbours for the reception and protection of the fleet of the United States. This corps requiring particular institutions for the instruction and formation of the officers, cannot exist upon separate establishments without a great increase of expense.

"Sixthly—It appears from the annexed papers, No. 1 to 4, to be the concurrent opinion of the committee in council, the secretary at war, the inspector-general, and the chief engineer, not only that some military establishment is indispensable, but that it ought in all respects to be under the authority of the United States, as well for military as political reasons. The plan hereafter submitted, on considerations of economy is less extensive than proposed by either of them."

This report contemplated a Peace establishment of four regiments of infantry, and one of artillery, with two additional battalions to be incorporated in a corps of engineers, and a regiment of dragoons. Its details will be the subject of future observation.

As the articles of confederation required the regimental officers to be appointed by the states, it proposed that they should transfer this right to congress, and also that the men should be enlisted under continental direction, "as a more certain and a more frugal mode." The promotions to be made regimentally to the rank of colonel according to sen-

iority; with an interesting provision, "that no officer of any corps shall consider it as a violation of his rights, if any other, who has been fortunate enough to have an opportunity of distinguishing himself in a particular manner, receives an extra promotion in the corps on account of brilliant services or peculiar talents." A general survey is suggested preparatory to the adoption of a general system of land fortifications.

Maritime fortifications, though pronounced "of the highest importance," could not be immediately undertaken; but an agent of marine is recommended, to obtain all the lights and prepare all the means previously requisite to the establishment of ports, and the formation of a Navy to be constructed and equipped on a plan deliberately combined in all its parts. The establishment of arsenals, and magazines of such articles as are not of a perishable nature, equal to the complete equipment of thirty thousand men for the field, or for a siege calculated on a three years' supply, was also suggested; and Springfield in Massachusetts, West Point, a convenient position on James river, and Camden in South Carolina, were proposed as the places of deposit.

The institution of military academies was thought premature, and a substitute was given in the plan of the engineer corps. Hamilton advised that a plan for the erection of manufactories of arms and foundries should be prepared by the secretary at war, to be made a serious object of policy as soon as the situation of public affairs would permit. A complete general staff during peace he thought unnecessary, and proposed that the staff should consist of a general officer to command the troops, another to command the corps of engineers and artillery, and an inspector-general. In time of war, two regiments to form a brigade, with a brigadier to each.

The details of a general hospital for the reception of the

invalids of the army and navy are given; and as the existence of a corps of cavalry was deemed of great importance to the southern states, it proposed that the commissioned officers should be appointed. The total annual expense of this establishment was estimated at three hundred and forty thousand dollars; from which deducting the product of the manufactories in which the artillerists and artificers were to be employed, the charge against the United States would not exceed two hundred and forty-seven thousand dollars. If this were thought too large an expense, a mode was indicated for its further reduction; and as the officers to be retained would be taken from the existing army, their half-pay would constitute another diminution of the public charge. Such a provision for the common defence was deemed necessary, and the only question was stated to be, whether it should be borne by the United States or by the particular states; in which last case, it would probably be increased for want of a general system.

This report also embraced the outline of a plan for classing and disciplining the militia, whose organization was pronounced a constitutional duty.

With a view to a more perfect system, a military board was proposed to be formed to revise the regulations and digest a general ordinance for the service of the troops of the United States, and another for the service of the militia; who, as intended to be constituted, would have formed an efficient arm of defence.

A plan involving such important considerations would arouse in the state party vehement opposition.

The exhausted resources of the country would be urged as an objection, the dangers of a standing army insisted on, and the constitutional power denied. These objections, where the motives to a peace establishment were so cogent, would naturally call forth a vigorous defence on the part of Hamilton.

The preamble of the report gives the outline of his constitutional argument. Its policy would be defended by a reference to the great national and common interests of the confederacy, which could only be protected by its united exertions directed by one will. The alarm of danger from a standing army would be met by an appeal to the recent experience of the country and to the lessons of history.

A fragment of notes for the concluding observations of Hamilton's speech on this occasion exists. He stated that it was "an absurdity that congress are empowered to build and equip a Navy, and yet, in time of peace, the states are to keep up one in their own defence. There must be a navy formed in time of peace; it ought to be proportioned to our defence, and will then be in all the hands instead of those of certain states.—Congress, constituted as they are, cannot have time for usurpation; usurpation in such an extensive empire, requires long previous preparation, &c.—People seldom reform with moderation.—Men accustomed to read of usurpations suddenly effected in small cities, look upon such a thing as the work of a day.—The weak side of democracies, is danger of foreign corruption. No individual has sufficient interest in the state to be proof against the seduction.—The want of an army lost the liberty of Athens."

The legislature of New-York, alive to the importance of garrisoning the western posts immediately upon their evacuation, passed a vote in the month of March, requesting their delegates in congress to obtain a resolution in conformity to the sixth article of the confederation, declaring the number of troops they should deem necessary for that purpose, stating the opinion of the legislature that a body not exceeding five hundred men would be adequate to that object, and their wish that the force should consist of New-York state troops who had been enlisted, and

were in the pay of congress, but whom they desired that the United States should declare thenceforth to be considered in the service of the state, and not in the pay or service of the United States; requesting munitions and provisions to be furnished by congress, but to be eventually charged separately to the state.

The letter from General Washington suggesting the propriety of occupying these posts with a portion of the troops of the United States, had been* referred to a committee, of which Colonel Hamilton, Madison, Osgood, Ellsworth, and Wilson, were members.

Hamilton submitted a report to congress, directing the commander-in-chief, whenever the frontier posts should be evacuated, to place therein of the troops under his command enlisted for three years such force as he might judge necessary to hold and secure them, until further measures should be adopted for their security, for a term not to exceed nine months.

The consideration of this report, which was commenced on the eighth of May, was postponed by the state of Virginia until the twelfth, when it was adopted. Ten states voted in the affirmative, Bland, Lee, and Mercer, the members from Virginia, being against it.

The course which Hamilton took upon this question, gave rise to much dissatisfaction in the minds of a portion of his constituents. The views of Clinton, the governor of New-York, were widely different, and the proceedings of the legislature of that state were in accordance with those views.

Soon after Hamilton had retired from congress, Clinton addressed a general letter to the delegates in that body. Among other observations, he remarked in this letter, "I would take this opportunity also of calling your attention

* May 3, 1783.

to concurrent resolutions of the legislature respecting the garrisoning of the western posts in this state, which, by the provisional treaty, are to be evacuated by the British. These resolutions were in the tenor of instructions to our delegates, and were immediately transmitted to them; but as I have not been favoured with any official information of the result, I submit it to you, whether some report on a subject so interesting to the state may not be necessary for the satisfaction of the legislature. From informal communications made to me by the commander-in-chief, I have reason to believe that he has directions from congress for garrisoning those posts with continental troops, and that he is making arrangements for that purpose. But as you will observe that it was the sense of the legislature that those posts should have been garrisoned by the state, an explanation of the subject becomes the more necessary; and it is now for this reason alone, I would request that you would be pleased to favour me with a particular detail of the motives which influenced the determination of congress on this occasion. For it will readily be perceived, that should congress at this late day accede to the propositions made by the state, it might be impracticable to carry them into execution; especially as I have not ventured, in the state of uncertainty in which I was left, to incur the expense which the necessary preparations for the purpose would have required."

Hamilton, seeing the advantage which was sought to be derived by the state party from the jealousies on this subject, replied at large:—

"I have lately received from Messrs. Duane and L'Hommedieu an extract of a letter from your excellency to the delegates, of the twenty-third of August last, requesting a particular detail of the motives which influenced the determination of congress respecting the application of the legis-

lature to have their state troops released from continental pay, for the purpose of garrisoning the frontier posts.

"In my letters to your excellency of the first of June and twenty-seventh of July, which were intended to be official; I summarily informed you that congress had made temporary provision for garrisoning the frontier posts, and that a plan was under deliberation relative to a peace establishment, which would of course embrace that object permanently; that, such temporary provision being made at the common expense, and a general plan being under consideration for the future, I had declined pressing a compliance with the application of the legislature, conceiving it to be more for the interest of the state that the expense should be jointly borne, than that it should fall exclusively upon itself.

"I did not enter into a more full detail upon the subject, because the business continued, to the time I left congress, in an undecided state, and it was impossible to judge what views would finally prevail. The concurrent resolutions of the two houses had been, immediately on their receipt, referred to a committee appointed to report on a peace establishment, who had suspended their report on these resolutions till it should appear what would be the fate of a general plan which had been submitted.

"As to the motives that influenced congress in making the provision they did make, rather than immediately assenting to the application of the state, as far as I was able to collect them, they were these:—The opinions of many were unsettled as to the most eligible mode of providing for the security of the frontiers consistent with the constitution, as well with respect to the general policy of the union, as to considerations of justice to those states whose frontiers were more immediately exposed. A considerable part of the house appeared to think, from reasons of a very cogent nature, that the well-being of the Union required a

fœderal provision for the security of the different parts, and that it would be a great hardship to individual states, peculiarly circumstanced, to throw the whole burden of expense upon them, by recurring to separate provisions in a matter, the benefit of which would be immediately shared by their neighbours, and ultimately by the union at large; that indeed it was not probable particular states would be either able, or, *upon experiment*, willing, to make competent provision at their separate expense; and that the principle might eventually excite jealousies between the states, unfriendly to the common tranquillity.

"I freely confess I was one who held this opinion. Questions naturally arose as to the true construction of the articles of confederation upon this head; questions as delicate as interesting, and as difficult of solution. On one hand, it was doubted whether congress were authorized by the confederation to proceed upon the idea of a fœderal provision; on the other, it was perceived that such a contrary construction would be dangerous to the union, including, among other inconveniences, this consequence—that the United States, in congress, cannot raise a single regiment, or equip a single ship, for the general defence, till after a declaration of war, or an actual commencement of hostilities.

"In this dilemma on an important constitutional question, and other urgent matters depending before congress, and the advanced season requiring a determination upon the mode of securing the western posts, in case of a surrender this fall, all sides of the house concurred in making a temporary provision in the manner which has been communicated.

"My apprehension of the views of the legislature was simply this, that, looking forward to a surrender of the posts, and conceiving, from some expressions in the articles of confederation, that separate provision was to be

made for the frontier garrisons, they had thought it expedient to apply the troops already on foot to that purpose, and to propose to congress to give their sanction to it. Under this apprehension—reflecting, besides, that those troops were engaged only for a short period, upon a very improper establishment to continue, on account of the enormous pay to the private men, and that the expense which is now shared by all, and which would have fallen solely upon the state, had the application been complied with, would probably be at the rate of nearly eighty thousand dollars per annum, a considerable sum for the state in its present situation—I acknowledge to your excellency that I saw with pleasure, rather than regret, the turn which the affair took. I shall be sorry, however, if it has contravened the intentions of the legislature.

"I will take the liberty to add, upon this occasion, that it has always appeared to me of great importance, to this state in particular, as well as to the union in general, that fœderal, rather than state, provision should be made for the defence of every part of the confederacy, in peace as well as in war. Without entering into arguments of general policy, it will be sufficient to observe, that this state is in all respects *critically situated.* Its relative position, shape, and intersections, viewed on the map, strongly speak this language—'Strengthen the confederation; give it exclusively the power of the sword; let each state have no forces but its militia.'

"As a question of mere economy, the following considerations deserve great weight.

"The North River facilitates attacks by sea and by land; and, besides the frontier forts, all military men are of opinion that a strong post should be maintained at West Point, or some other position on the lower part of the river. If Canada is well governed, it may become well peopled, and by inhabitants attached to its government. The British

nation, while it preserves the idea of retaining possession of that country, may be expected to keep on foot there a large force. The position of that force, either for defence or offence, will necessarily be such as will afford a prompt and easy access to us. Our precautions for defence must be proportioned to their means of annoying us; and we may hereafter find it indispensable to increase our frontier garrisons. The present charge of a competent force in that quarter, thrown additionally into the scale of those contributions which we must make to the payment of the public debt, and to other objects of general expense, if the union lasts, would, I fear, enlarge our burden beyond our ability; that charge hereafter increased, as it may be, would be oppressively felt by the people. It includes not only the expense of paying and subsisting the necessary number of troops, but of keeping the fortifications in repair, probably of erecting others, and of furnishing the requisite supplies of military stores. I say nothing of the Indian nations, because, though it will be always prudent to be upon our guard against them, yet I am of opinion we may diminish the necessity of it by making them our friends, and I take it for granted there cannot be a serious doubt any where as to the obvious policy of endeavouring to do it. Their friendship alone can keep our frontiers in peace. It is essential to the improvement of the fur trade, an object of immense importance to the state. The attempt at the total expulsion of so desultory a people, is as chimerical as it would be pernicious. War with them is as expensive as it is destructive. It has not a single object; for the acquisition of their lands is not to be wished till those now vacant are filled, and the surest as well as the most just and humane way of removing them, is by extending our settlements to their neighbourhood. Indeed, it is not impossible they may be already willing to exchange their former possessions for others more remote.

"The foregoing considerations would lose all force, if we had full security that the rest of the world would make our safety and prosperity the first object of their reverence and care; but an expectation of this kind would be too much against the ordinary course of human affairs—too visionary, to be a rule of national conduct.

"It is true, our situation secures us from conquest, if internal dissensions do not open the way; but when nations now make war upon each other, the object seldom is total conquest. Partial acquisitions, the jealousy of power, the rivalship of dominion or of commerce, sometimes national emulation and antipathy, are the motives. Nothing shelters us from the operation of either of these causes; the fisheries, the fur trade, the navigation of the lakes and of the Mississippi, the western territory, the islands in the West-Indies with reference to traffic, in short, the passions of human nature, are abundant sources of contention and hostility.

"I will not trespass further on your excellency's patience; I expected, indeed, that my last letter would have finished my official communications; but Messrs. Duane and L'Hommedieu having transmitted the extract of your letter to Mr. Floyd and myself, in order that we might comply with what your excellency thought would be expected by the legislature, it became my duty to give this explanation. Mr. Floyd having been at congress but a short time after the concurrent resolutions arrived, and being now at a great distance from me, occasions a separate communication."

While congress was engaged in the consideration of questions connected with the disposal of the western lands, and more particularly of the claims Virginia had interposed, against which Hamilton contended, asserting the rights of the United States, and which called forth a warm

address from the legislature of New-Jersey, urging them not to accept her cession, but to press upon that state "a more liberal surrender of that territory of which they claim so boundless a proportion," their deliberations were suddenly suspended. An occurrence took place, which, though unattended with any immediate consequences of moment, had at first an alarming aspect, and was one of the many circumstances that hastened the degradation of the confederacy. The necessities which had compelled congress to disband the army without fulfilling their engagements, led to this event. The patriotic soldiery who had won the independence of their country, submitted to the severe sacrifices to which they were subjected, with a patience and forbearance of which no similar instance exists. Instead of alarming the country, and invading the security of society by outrages and plunder, a picture was presented by them of the highest interest. They were seen quietly retiring to their respective states, forgetting the habits which war usually forms, mingling with the mass of the community in their common occupations, and only distinguishable from them by the recital of the exploits they had performed, and of the sufferings they had endured; by those scars which a sense of ingratitude and wounded pride would sometimes prompt them to display, and by a deeper and more fervent devotion to their country.

A different temper was exhibited by the new levies, who, without having shared the dangers of the war, demanded an exact fulfilment of the public engagements.

There were in the barracks of Philadelphia and at Lancaster a number of new recruits who had never taken the field, and who refused to accept their discharges without immediate pay. On the fifteenth of June, a petition signed by their sergeants, was presented to congress. It was couched in very peremptory language, but was disregarded. On the eighteenth, letters were received announcing the

determination of another party to march to Philadelphia to demand justice. They reached it on the following day, and joined the men in the barracks.

Rumours were now circulated among the timid citizens of an alarming character. The executive of the state and congress were besieged with entreaties to check the rising spirit of sedition, and to protect them from rapine.

On the first communication of their purpose, Hamilton was appointed chairman of a committee to confer with the government of Pennsylvania, and to endeavour to induce it to call upon the militia to stop the insurgents, but he was unsuccessful. They next despatched the assistant secretary at war to meet them, and to represent with coolness, but with energy, the character of their proceedings and the dangers they had incurred. The mutineers remained passive until the twenty-first of the month, when, upon an intimation that they had cast off the authority of their officers and had a design against the bank, congress was convened.

The state-house, in which they met, and where the executive of Pennsylvania was then sitting, was surrounded by three hundred soldiers armed with bayonets, under the command of seven sergeants, who sent in a message to congress, that "unless their demand was complied with in twenty minutes, they would let in upon them the injured soldiery, the consequences of which, they were to abide." Congress ordered General St. Clair to appear before them; and after having received a statement from him, determined that they would enter into no deliberation with the mutineers, that they must return to Lancaster, and that *there*, and only *there*, they would be paid.

St. Clair was directed to endeavour to march them to their barracks. During this interval the federal legislature adjourned, and passed through the files of the mutineers without opposition, though individual members had been previously threatened by them.

The insurgents had taken possession of the powder house, and of some of the public arsenals, with several field-pieces. Congress met in the evening, and again adjourned, having passed resolutions that they had been grossly insulted, directing their committee to confer with the executive of the state, and if there was no sufficient ground for expecting adequate and prompt exertions for supporting the dignity of the federal government, that they should be convened at Philadelphia at a future day.

Hamilton, as chairman of the committee, then waited upon the executive of Pennsylvania, and represented that the proceeding was so serious as to render palliatives improper, and to require a resort to vigorous measures to compel them to submission, and urged the employment of the militia. To this communication the executive council replied that they must first ascertain the disposition of the militia. On the following day the committee asked of the executive a definitive reply in *writing*. The council declined giving a written answer, but stated verbally that while they regretted the occurrence, no aid could be expected from the militia except in case of personal violence, expressing doubts as to the policy of vigorous measures. The committee replied that the measures of congress indicated their opinion; that the mutineers had passed the bounds within which a spirit of compromise was consistent with the dignity and safety of the government; that impunity for what had happened might lead to more flagrant proceedings, invite others to follow the example and extend the mischief, and that they had directed the commander-in-chief to march a detachment to suppress the mutiny.

The committee finding that there were no satisfactory grounds to expect prompt and adequate exertions from the executive of Pennsylvania, felt themselves bound to advise the removal of congress. Anxious to maintain the dignity

of that body, and willing to protract their departure as long as they were justified in the hope that the council might adopt vigorous measures, they deferred it until the twenty-fourth, when seeing no hope of aid from the council, and having every reason to expect new and more extravagant demands from the mutineers, they advised an adjournment to Princeton. The day after their arrival there, on the motion of Hamilton a resolution was passed directing General Howe to march an adequate force to Philadelphia to disarm the mutineers, and bring their leaders to trial. These measures were adopted; but after obedience was secured, congress granted a pardon. These proceedings, deeply offensive as they were to that body, were more particularly so to Hamilton, who had been its instrument in endeavouring to preserve its dignity.

The executive of Pennsylvania perceiving the indignation which its irresolution had excited, transmitted a message to the assembly of the state giving a statement of its proceedings.

Immediately after this publication, incensed at what he deemed a premeditated attempt to mislead public opinion, Hamilton addressed them a highly interesting letter defending the coercive measures he had advised, discussing with great force the obligations of government to sustain their authority under similar circumstances, and making a thorough investigation on general principles of the means proper for quelling a mutiny.

His views from the commencement were, "that the mutiny ought not to be terminated by negotiation; that congress were justifiable in leaving a place where they did not receive the support which they had a right to expect; but as their removal was a measure of a critical and delicate nature, might have an ill appearance in Europe, and might, from events, be susceptible of an unfavourable interpretation in this country, it was prudent to delay until its

necessity became apparent,—not only till it was manifest there would be no change in the spirit which seemed to actuate the council of Pennsylvania, but till it was evident complete submission was not to be expected from the troops; that to give full time for this, it was proper to delay the departure of congress till the latest period."

Though he considered the delay of this advice as at their extreme peril, yet, as to himself, he declared that he should persist in it till the result of the consultation with the militia officers, or some new circumstance should occur to explain the designs of the mutineers; that in pursuing this line of conduct he should counteract the sense of some gentlemen whose feelings on the occasion were keen, and the opinions of others who thought the situation of congress under the existing circumstances extremely awkward, precarious, and unjustifiable to their constituents. Subsequent circumstances, indicating a collusion between the committee and the mutineers, overcame his opposition to the report for their removal.

When commenting on this occurrence, he remarked:—

"It was the duty of government to provide effectually against the repetition of such outrages, and to put itself in a situation to give, instead of receiving the law; and to manifest that its compliance was not the effect of necessity, but of choice. This was not to be considered as the disorderly riot of an armed mob, but as the deliberate mutiny of an incensed soldiery, carried to the utmost point of outrage short of assassination. The licentiousness of an army is to be dreaded in every government; but in a republic it is more particularly to be restrained, and when directed against the civil authority, to be checked with energy and punished with severity. The merits and sufferings of the troops might be a proper motive for mitigating punishment, when it was in the power of the government to inflict it; but there was no reason for relaxing in

the measures necessary to arrive at that situation. Its authority was first to be vindicated, and then its clemency to be displayed.

"The rights of government are as essential to be defended as the rights of individuals. The security of the one is inseparable from that of the other; and indeed in every new government, especially of the popular kind, the great danger is, that public authority will not be sufficiently respected."

After adverting to the probability of an accession of strength to the mutineers, he observed:—"In this state of things, decision was most compatible with the safety of the community as well as the dignity of government. Though no general convulsion might be apprehended, serious mischief might attend the progress of the disorder. Indeed, it would have been meanness to have negotiated and temporized with an armed banditti of four or five hundred men, who, in any other situation than surrounding a defenceless senate, could only become formidable by being feared. This was not an insurrection of a whole people; it was not an army with their officers at their head, demanding the justice of the country—either of which might have made caution and concession respectable; it was a handful of mutinous soldiers, who had equally violated the laws of discipline as the rights of public authority."

"There was a propriety in calling for the aid of the militia in the first place, for different reasons. Civil government may always with more peculiar propriety resort to the aid of the citizens to repel military insults or encroachments. 'Tis there, it ought to be supposed, where it may seek its surest dependence; especially in a democracy, which is the creature of the people. The citizens of each state are, in an aggregate light, the citizens of the United States, and bound as much to support the representatives

of the whole as their own immediate representatives. The insult was not to congress personally, it was to the government, to public authority in general, and was very properly put on that footing. The only question is, whether there was greater danger to the city in attempting their reduction by force, than in endeavouring by palliatives to bring them to a sense of duty. It has been urged, and appeared to have operated strongly on the council, that the soldiers being already embodied, accustomed to arms, and ready to act at a moment's warning, it would be extremely hazardous to attempt to collect the citizens to subdue them, as the mutineers might have taken advantage of the first confusions incident to the measure, to do a great deal of mischief before the militia could have assembled in equal or superior force.

"It is not to be denied but that a small body of disciplined troops, headed and led by their officers, with a plan of conduct, could have effected a great deal in similar circumstances; but it is equally certain that nothing can be more contemptible than a body of men used to be commanded and to obey, when deprived of the example and direction of their officers. They are infinitely less to be dreaded than an equal number of men who have never been broken to command, nor exchanged their natural courage for that artificial kind which is the effect of discipline and habit. Soldiers transfer their confidence from themselves to their officers, face danger by the force of example, the dread of punishment, and the sense of necessity. Take away these inducements, and leave them to themselves, they are no longer resolute than till they are opposed. The idea of coercion was the safest and most prudent, for more was to be apprehended from leaving them to their own passions, than from attempting to control them by force. The events corresponded with this reasoning—the departure of congress brought the matter to a crisis, and

the council were compelled, by necessity, to do what they ought to have done before through choice."

In concluding this sketch of Hamilton's services for the short period of eight months in the Congress of the Confederation, it is due to him to remark, that faint as this outline is, from the imperfect materials that exist, enough remains to show his commanding position, moral and intellectual.

In his letters to the superintendent of finance, when speaking of the temper of the New-York legislature, he observed that, to effect a change of their system, "mountains of prejudice and particular interest are to be levelled," that his efforts to introduce efficient modes of taxation had failed, and though "there was a pretty general opinion that the system of funding for payment of old debts, and for procuring further credit, was wise and indispensable, yet that a majority thought it would be unwise in one state to contribute in this way alone."

With such dispositions in that state, and with the general temper of the country and of congress, it was no trivial task to combat; yet while some around him are seen seeking safety in compromises between their sense of duty and their love of popularity, between the general welfare and state interests, he is beheld, from the commencement of his career, boldly meeting all the public prejudices, confuting every objection as it arose, standing almost alone in opposition to measures which he could not believe were promotive of the country's good, and urging in their stead the adoption of an energetic and comprehensive system of national policy—a system of policy which has controlled the destinies of this republic, and of which the great cardinal principles have become American maxims of state.

As to its exterior relations, his views are seen to have been, Neutrality with foreign powers—Friendship with "the Indian nations"—the Gradual "acquisition" of their lands by purchase, and, "as the most just and humane way of

removing them, the extending our settlements to their neighbourhood."

As to the defence of the country, a small compact Peace establishment, land and naval, capable of being augmented without derangement.

As to its commerce, Treaties of equality and reciprocity of short duration, reserving the power of aiding domestic industry; light and easy duties on imports, as "a mode of revenue which preserves a just measure to the abilities of individuals, promotes frugality, and taxes extravagance," so imposed as to encourage, by judicious discriminations, by "bounties and by premiums," the production of articles of primary necessity.

As to the Fiscal system, a revenue to be derived from "permanent funds," to be imposed and collected by congress, and, lest the public burdens should too much press, or the public resources be too dependent upon commerce, duties upon certain luxuries, and a small land tax, as auxiliaries.

The revenue to become the basis of "Foreign loans" to Fund the debt, and of a "Sinking fund" to discharge it.

The "Assumption" of the debts of the states incurred for the common defence, and a provision for every class of the public creditors, without any discrimination between the original holders or purchasers.

A National Bank, as an instrument to facilitate the payment and collection of duties, and to aid and regulate the commerce between the states by supplying and maintaining an uniform currency.

It is important to remark that such was his policy at this time, when no motives of ambition, no calculations of personal interest, could possibly have prompted them—when they only could have been entertained and avowed from a conviction that they would promote the general welfare—when, as he wrote to Clinton, "he had no future views in public life."

Views such as these could only have been entertained by a mind fraught with the great idea of regulating the conflicting forces which disturbed the political system by a general pervading and controlling law—with the idea of instituting a government duly checked—with powers and organs "adequate to the exigencies" of the nation.

In his address urging Rhode Island to grant to Congress the power of levying an impost, he stated that "a Representative Republic ought to have the means necessary to answer the end of its institution," and as a justification of the demand, he asserted that the measure, if not within the letter, is within the spirit of the confederation. "Congress by that are empowered to borrow money for the use of the United States, and, by implication, to concert the means necessary to accomplish the end." Manifest as these inductions are, and repudiating, as he had done totally, the idea of a resort to force, he saw that this implication only gave to congress the power "to concert the means." Hence he proposed that it should be empowered to nominate its own officers to collect the revenue from *individuals*.

This was the initiatory idea of a General Government with organs to exercise its powers directly, without state intervention*—an expedient now obvious to every mind, but how far removed from the prevailing sentiment of the country, and from the system of the confederation with its congress of ambassadors!

* This proposition is previously stated in full, as presented by him on the twentieth of March. The affirmative states were Connecticut, New-York, New-Jersey, and Pennsylvania. The votes of the delegates were—ayes, *Bland*, *Boudinot*, Clark, Condict, Dyer, Floyd, *Hamilton*, McComb, Montgomery, *Peters*, *Rutledge*, *Wilson*, Wolcott. Those against it were Arnold, *Bedford*, Collins, Fitzsimmons, Gervais, Gilman, Gorham, Hawkins, Hemsley, Higginson, Holten, A. Lee, F. F. Lee, *Madison*, Mercer, Osgood, White, Williamson. 4 J. C. 177. Two only of the southern members voted for it—Bland and Rutledge.

Defeated in this measure, and disappointed in his other exertions to prop the national edifice, yet full of apprehension for the continuance of the UNION, he felt that it was due to the people of this great country, while yet united under a general confederacy, to appeal to them in their own behalf.

With this view he prepared the following resolutions; but finding that they could not succeed, and unwilling that a new obstacle should be raised by the formal rejection of propositions of such magnitude, he did not bring them forward.

On the draft this endorsement, made by himself, is to be seen—"Intended to be submitted to congress in seventeen hundred and eighty-three, but abandoned for want of support!"

From the little care he bestowed upon his manuscripts, the fact of this memorandum having been made by him, would seem to indicate Hamilton's desire to preserve this evidence of his early-matured purpose to establish a balanced constitutional government, with distinct departments and adequate powers.

"WHEREAS, in the opinion of this congress, the confederation of the United States is defective in the following essential points.

"First, and generally, in confining the fœderal government within too narrow limits; withholding from it that efficacious authority and influence in all matters of general concern, which are indispensable to the harmony and welfare of the whole; embarrassing general provisions by unnecessary details and inconvenient exceptions incompatible with their nature, tending only to create jealousiés and disputes respecting the proper bounds of the authority of the United States, and of that of the particular states, and a mutual interference of the one with the other.

"Secondly—In confounding legislative and executive powers in a *single* body; as that of determining on the

number and quantity of force, land and naval, to be employed for the common defence, and of directing their operations when raised and equipped; with that of ascertaining and making requisitions for the necessary sums or quantities of money to be paid by the respective states into the common treasury, contrary to the most approved and well-founded maxims of free government, which require that the LEGISLATIVE, EXECUTIVE, and JUDICIAL authorities should be deposited *in distinct and separate hands.*

"Thirdly—In the want of a FEDERAL JUDICATURE, having cognizance of all matters of general concern in the last resort, especially those in which foreign nations and their subjects are interested; from which defect, by the interference of the local regulations of particular states militating, directly or indirectly, against the powers vested in the union, the national treaties will be liable to be infringed, the national faith to be violated, and the public tranquillity to be disturbed.

"Fourthly—In vesting the United States, in congress assembled, with the *power of general taxation*, comprehended in that 'of ascertaining the necessary sums of money to be raised for the common defence, and of appropriating and applying the same for defraying the public expenses;' and yet rendering that power, so essential to the existence of the union, nugatory, by withholding from them all control over either the imposition or the collection of the taxes for raising the sums required, whence it happens that the inclinations, not the abilities, of the respective states are, in fact, the criterion of their contributions to the common expense, and the public burden has fallen, and will continue to fall, with very unequal weight.

"Fifthly—In fixing a rule for determining the proportion of each state towards the common expense, which, if practicable at all, must in the execution be attended with great expense, inequality, uncertainty, and difficulty.

"Sixthly—In authorizing congress 'to borrow money, or emit bills, on the credit of the United States,' without the power of establishing funds to secure the repayment of the money or the redemption of the bills emitted, from which must result one of these evils—either a want of sufficient credit in the first instance to borrow, or to circulate the bills emitted, whereby in great national exigencies the public safety may be endangered, or, in the second instance, frequent infractions of the public engagements, disappointments to lenders, repetitions of the calamities of depreciating paper, a continuance of the injustice and mischiefs of an unfunded debt, and, first or last, the annihilation of public credit. Indeed, in authorizing congress at all to emit an *unfunded* paper as the sign of value; a resource, which, though useful in the infancy of this country, indispensable in the commencement of the revolution, ought not to continue a formal part of the constitution, nor ever hereafter to be employed, being in its nature pregnant with abuses, and liable to be made the engine of imposition and fraud, holding out temptations equally pernicious to the integrity of government and to the morals of the people.

"Seventhly—In not making proper or competent provision for interior or exterior defence: for interior defence, by leaving it to the individual states to appoint all regimental officers of the land forces, to raise the men in their own way, to clothe, arm, and equip them, at the expense of the United States; from which circumstances have resulted, and will hereafter result, great confusion in the military department, continual disputes of rank, languid and disproportionate levies of men, an enormous increase of expense for want of system and uniformity in the manner of conducting them, and from the competitions of state bounties;—by an ambiguity in the fourth clause of the sixth article, susceptible of a construction which would devolve upon the particular states in time of peace the care of their own

defence both by sea and land, and would preclude the United States from raising a single regiment or building a single ship before a declaration of war, or the actual commencement of hostilities; a principle dangerous to the confederacy in different respects, by leaving the United States at all times unprepared for the defence of their common rights, obliging them to begin to raise an army and to build and equip a navy at the moment they would have occasion to employ them, and by putting into the hands of a few states, who from their local situations are more immediately exposed, all the standing forces of the country, thereby not only leaving the care of the safety of the whole to a part, which will naturally be both unwilling and unable to make effectual provision at its particular expense, but also furnishing grounds of jealousy and distrust between the states, unjust in its operation to those states in whose hands they are, by throwing the exclusive burden of maintaining those forces upon them, while their neighbours immediately, and all the states ultimately, would share the benefits of their services: for exterior defence, in authorizing congress 'to build and equip a navy,' without providing any means of manning it, either by requisitions of the states, by the power of registering and drafting the seamen in rotation, or by embargoes in cases of emergency, to induce them to accept employment on board the ships of war; the omission of all which leaves no other resource than voluntary enlistment; a resource which has been found ineffectual in every country, and for reasons of peculiar force, in this.

"Eighthly—In not vesting in the United States A GENERAL SUPERINTENDENCE OF TRADE, equally necessary in the view of revenue and regulation: of revenue, because duties on commerce, when moderate, *are* among the most agreeable and productive species of it which cannot without great disadvantages be imposed by particular states,

while others refrain from doing it, but must be imposed in concert, and by laws operating upon the same principles, at the same moment, in all the states; otherwise those states which should not impose them would engross the commerce of such of their neighbours as did: of regulation, because by general prohibitions of particular articles, by a judicious arrangement of duties, sometimes by bounties on the manufacture or exportation of certain commodities, injurious branches of commerce might be discouraged, favourable branches encouraged, useful products and manufactures promoted; none of which advantages can be effectually attained by separate regulations without a general superintending power; because, also, it is essential to the due observance of the commercial stipulations of the United States with foreign powers, an interference with which will be unavoidable if the different states have the exclusive regulation of their own trade, and of course the construction of the treaties entered into.

"Ninthly—In defeating essential powers by provisoes and limitations inconsistent with their nature, as the power of making treaties with foreign nations, 'provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the importation or exportation of any species of goods or commodities whatever;' a proviso susceptible of an interpretation which includes a constitutional possibility of defeating the treaties of commerce entered into by the United States. As also the power 'of regulating the trade, and managing all affairs with the Indians, not members of any states; *provided*, that the legislative right of any state within its own limits be not infringed or violated,' and others of a similar nature.

"Tenthly—In granting the United States the sole power 'of regulating the alloy and value of coin struck by their own authority, or by that of the respective states,' without the power of regulating foreign coin in circulation, though one is essential to the due exercise of the other, as there ought to be such proportions maintained between the national and foreign coin, as will give the former a preference in all internal negotiations; and without the latter power, the operations of government, in a matter of primary importance to the commerce and finances of the United States, will be exposed to numberless obstructions.

"Eleventhly—In requiring the assent of nine states to matters of principal importance, and of seven to all others, except adjournments from day to day, a rule destructive of vigour, consistency, or expedition, in the administration of affairs, tending to subject the *sense* of the majority to *that* of the minority, by putting it in the power of a small combination to retard and even to frustrate the most necessary measures, and to oblige the greater number, in cases which require speedy determinations, as happens in the most interesting concerns of the community, to come into the views of the smaller; the evils of which have been felt in critical conjunctures, and must always make the spirit of government a spirit of compromise and expedience, rather than of system and energy.

"Twelfthly—In vesting in the fœderal government the sole direction of the interests of the United States in their intercourse with foreign nations, without empowering it to pass ALL GENERAL LAWS in aid and support of the laws of nations; for the want of which authority, the faith of the United States may be broken, their reputation sullied, and their peace interrupted, by the negligence or misconception of any particular state.

"And whereas experience hath clearly manifested that the powers reserved to the union in the confederation, are

unequal to the purpose of effectually drawing forth the resources of the respective members, for *the common welfare and defence*; whereby the United States have, upon several occasions, been exposed to the most critical and alarming situations; have wanted an army adequate to their defence, and proportioned to the abilities of the country; have on account of that deficiency seen essential posts reduced—others imminently endangered—whole states, and large parts of others, overrun and ravaged by small bodies of the enemy's forces; have been destitute of sufficient means of feeding, clothing, paying, and appointing that army, by which the troops, rendered less efficient for military operations, have been exposed to sufferings, which nothing but unparalleled patience, perseverance, and patriotism could have endured. Whereas, also, the United States have been too often compelled to make the administration of their affairs a succession of temporary expedients, inconsistent with order, economy, energy, or a scrupulous adherence to the public engagements, and now find themselves, at the close of a glorious struggle for independence, without any certain means of doing justice to those who have been its principal supporters—to an army which has bravely fought, and patiently suffered—to citizens who have cheerfully lent their money—and to others who have in different ways contributed their property and their personal service to the common cause; obliged to rely for the only effectual mode of doing that justice, by funding the debt on solid securities, on the precarious concurrence of thirteen distinct deliberatives, the dissent of either of which may defeat the plan, and leave these states, at this early period of their existence, involved in all the disgrace and mischiefs of violated faith and national bankruptcy. And whereas, notwithstanding we have, by the blessing of Providence, so far happily escaped the complicated dangers of such a situation, and

now see the object of our wishes secured by an honourable peace, it would be unwise to hazard a repetition of the same dangers and embarrassments, in any future war in which these states may be engaged, or to continue this extensive empire under a government unequal to its protection and prosperity. And whereas, it is essential to the happiness and security of these states, that their union should be established on the most solid foundations, and it is manifest that this desirable object cannot be effected but by a GOVERNMENT, capable, both in peace and war, of making every member of the union contribute in just proportion to the common necessities, and of combining and directing the forces and wills of the several parts to a general end; to which purposes, in the opinion of congress, the present confederation is altogeter inadequate. And whereas, on the spirit which may direct the councils and measures of these states, at the present juncture, may depend their future safety and welfare—Congress conceive it to be their duty, freely to state to their constituents the defects which, by experience, have been discovered in the present plan of the fœderal union, and solemnly to call their attention to a revisal and amendment of the same. Therefore resolved, That it be earnestly recommended to the several states to appoint a Convention, to meet at —— on the —— day of ——, with full powers to revise the confederation, and to adopt and propose such alterations as to them shall appear necessary, to be finally approved or rejected by the states respectively—and that a committee of —— be appointed to prepare an address upon the subject."

These resolutions, as appears from a communication to General Washington, Hamilton prepared with a view to an address from congress as soon as they had ratified the definitive treaty. "In a letter," he says, "which I wrote to you several months ago, I intimated that it might be in

your power to contribute to the establishment of our fœderal union upon a more solid basis. I have never since explained myself. At the time, I was in hopes congress might have been induced to take a decisive ground, to inform their constituents of the imperfections of the present system, and of the impossibility of conducting the public affairs with honour to themselves and advantage to the community, with powers so disproportioned to their responsibility; and having done this in a full and forcible manner, to adjourn the moment the definitive treaty was ratified. In retiring at the same juncture, I wished you in a solemn manner to declare to the people your intended retreat from public concerns; your opinion of the present government, and of the absolute necessity of a change. Before I left congress I despaired of the first, and your circular letter to the states had anticipated the last.

"I trust it will not be without effect, though I am persuaded it would have had more, combined with what I have mentioned; at all events, without compliment, sir, it will do you honour with the sensible and well-meaning, and ultimately, it is to be hoped, with the people at large, when the present epidemic frenzy has subsided."

With this purpose, not less grand in the conception than in the mode in which it was to be effected, Hamilton closed his career in congress.

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